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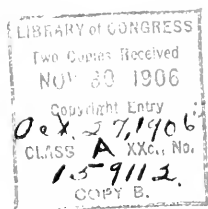
ROBERT DOLLARD.

RECOLLECTIONS OF THE CIVIL WAR
AND
GOING WEST TO GROW UP WITH THE COUNTRY

BY
ROBERT DOLLARD



PUBLISHED BY THE AUTHOR,
Scotland, South Dakota,
1906



*To my old Commander in the Campaigns
of 1864 and 1865, before Richmond and
Petersburg, Virginia, the late General
George W. Cole, a brave and generous
soldier, this book is dedicated.*

7

PREFACE.

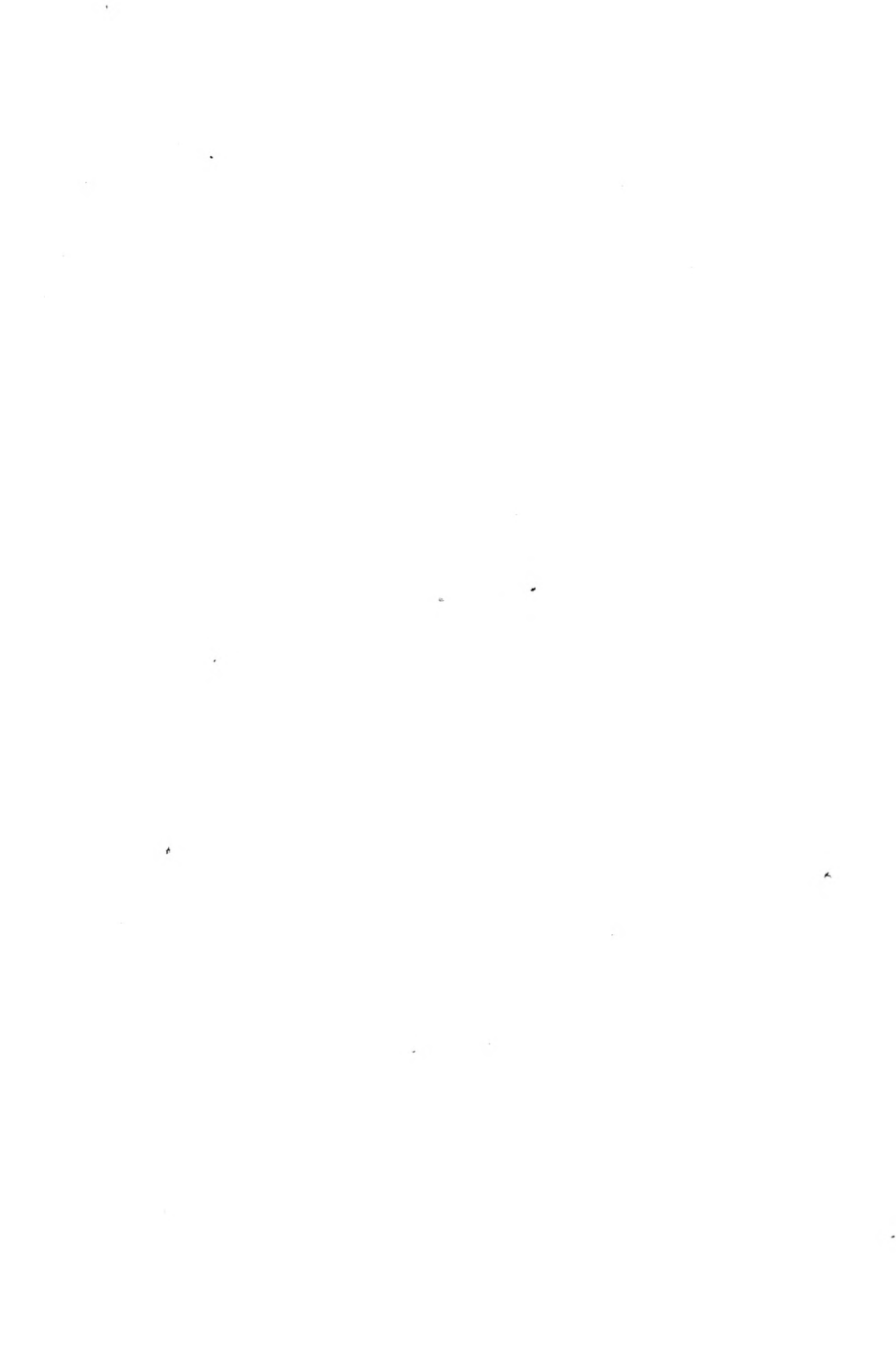
I have frequently been asked by friends to publish my recollections of the Civil War, in which I served on the Union side in various capacities from that of a private soldier to Commander of a regiment, in the infantry and cavalry branches of the army, during a period that began with the outbreak of the war and continued to its close, with the exception of a few weeks in the latter part of the Summer of 1861, and extended to campaigns in Virginia, North Carolina, South Carolina and Texas, and I have concluded to do so in the following pages. I shall also add some observations on forty years' experience since the war, in going West to grow up with the country.

Scotland, South Dakota, July, 1906.

ROBERT DOLLARD.

ERRATA.

1. In index, "Affairs on the Chickahominy" should read "Affair on the Chickahominy."
2. On page 63, line 25, the word "left" should be "right."
3. On page 89, line 27, the word "bargain" should be "bargains."
4. On page 92, line 2, the word "departments" should be "department."
5. On page 104, line 5, the word "right" should be "left."
6. On page 207, line 30, the word "witness" should be "juror."
7. On page 231, line 22, the word "state" should be "general."
8. On page 287, after the word "disagreed" in line 20, insert the words "with us."



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RECOLLECTIONS OF THE CIVIL WAR,
AND
GOING WEST TO GROW UP WITH THE COUNTRY.

INTRODUCTION.

Forty-one years have passed since the setting sun of the southern Confederacy went down never to rise again and the doctrine that the states had the right to themselves decide all questions of difference between them and the Union, as to the supremacy of either, with its ill-fated child secession was forever buried under the slaughter and wreck of the civil war.

But occasionally a sad note reaches us from the South on some great public occasion as though in mourning for the fate of the lost cause still embalmed in heroic memory that is only a just tribute of love, admiration and respect for the patriotic spirit and unselfish devotion of the sons and daughters of that section in a cause which they believed to be as sacredly right under the constitution and laws of our common country as that for which we fought under the starry banner of the Union. From the southern point of view the man we called a rebel could point with pride and confidence to something in the history of his country as a full measure of justification. He could call attention to that remarkable state paper, the farewell address of the father of his country, as proof that the continuance of the Union was then con-

sidered a matter of sound and patriotic policy rather than a question of constitutional power; he could point to the authority of the Virginia and Kentucky resolutions of 1798, the former penned by Madison, the father of the constitution, and the latter by Jefferson, the author of the declaration of independence, and to the action of the New Englanders at the Hartford convention in 1814, along the same line, as showing that the views then held on the question of the sovereignty of the states pointed the way to their peaceable secession whenever they deemed the hour had arrived for the wise and just pursuit of such a course, and he could also point to the fact that the people of the states of the South who enrolled themselves in the ranks of secession never surrendered the doctrine for which these eminent authorities stood in the early days of the republic, and therefore they took their stand upon it when their domestic institution of human slavery became intolerable to the conscience of the northern people. But whatever the declarations or attitudes of individual statesmen and patriots when the nation was in the beginning of its career and the limitation of its powers less perfectly understood than in later years, the founders of it builded better than some of them knew, for by the constitution of the Union they inspired a growing love and loyalty that met in the fullest measure the appeal of Washington, in the northern free and border slave states, so well expressed in the great speech of Daniel Webster in the United States senate in 1830, in reply to Senator Hayne of South Carolina in these words: "Liberty and union, one and inseparable, now and forever!" A sentiment which called a halt on the advance of slavery into the territories, demanded that every inch of their soil should be held sacred to liberty and

in the end incorporated itself into the government for all time. Slavery was the cause and secession the means that invited the civil war and all the horrors and blessings that followed in its wake.

Slavery existed, it is true, in all the states formed from the colonies, out of which the Union was formed, but it gradually disappeared, except in Delaware, north of Mason and Dixon's line, whether because it was profitless, or repugnant to the public conscience, is not altogether free from doubt; perhaps both considerations furthered the good work.

I once heard that prince of orators, Colonel Ingersoll, say in a public address, "We of the North owned slaves but we found it didn't pay, hence we concluded it wasn't right. Anybody can see that a thing isn't right when it doesn't pay." And Henry W. Grady, in his address on the New South before the New England society of New York, put it this way: "Had Mr. Tombs said, which he did not say, that he would call the roll of his slaves at the foot of Bunker Hill, he would have been foolish, for he might have known that whenever slavery became entangled in war it must perish; that the chattel in human flesh ended forever in New England when your fathers, not to be blamed for parting with what did not pay, sold their slaves to our fathers, not to be praised for knowing a paying thing when they saw it." And in this connection I recall that in the case of Dred Scott against Sanford, the decision of which held that Scott was the slave of Sanford, notwithstanding he had been voluntarily taken into territory where slavery was prohibited by the terms of the Missouri compromise act, and which did so much to bring on the war, the defendant Sanford was a New Yorker.

While the public views of the South on the right

of secession and slavery, considering the general complicity of the original states in the latter and the doctrines held by some of the early statesmen pointing to the correctness of the former, might well recommend them to charitable consideration of ante-bellum northern statesmanship, I imagine we, the boys, who made up the Union army, knew little and cared less for such matters in facing the great struggle that the opening of the year 1861, promised to inaugurate. As for myself I well remember that the first political slogans I ever heard were those of "Fremont and Freedom!" "Buchanan and Gradual Emancipation!" in the fall of 1856, when I was fairly entering my "teens" and not only quite innocent of any knowledge of the great problems of state craft then pending but, like many of my older fellow citizens, politically as green as the grass that grew along the banks of the sparkling streams of my New England home. Fremont and Freedom I could understand for I had read Uncle Tom's Cabin with deep and abiding interest and shed bitter tears at his grave. Buchanan and Gradual Emancipation was a puzzle, like many another political slogan that has charmed the ear of man before and since. "Buchanan and Gradual Emancipation" won, particularly the former, but it was its last victory for the victorious party was disintegrating and other political lines were forming to give successful battle to slavery in the territories and, as an incident of the coming war, wipe the stain of its existence and lift the burden of its crushing weight from the unfortunate states where it then stood unchallenged.

The supreme court of the United States, a majority of the judges of which were from slaveholding states, Judges McLean and Curtis, from Ohio and

Massachusetts respectively, dissenting, decided in the case of Dred Scott against Sanford, that the Missouri compromise act, passed by congress in 1820, for the admission of Missouri into the Union as a slave state and prohibiting slavery in the territories north of a fixed line was unconstitutional, and thus opened the question of the extension of slavery into the territories where it had been prohibited by that act. The free soilers met the situation in national convention by declaring against the soundness of the doctrine of that decision and elected Abraham Lincoln as president on their platform. On the political success at the polls of the issue thus raised ten of the southern states determined to secede from the Union and the newspaper reports of their proceedings overshadowed all other topics of the time. I remember one stormy night in the local postoffice of a little village in Massachusetts where I lived, after the mail was distributed, hearing a loud voiced fellow declare that "secession is going to raise h—ll" which General Sherman afterwards declared was the true condition of war, and most people who have had a taste of it find no difficulty in agreeing with him. People in our section at that time did not take the southern movements seriously; sometimes the remark was heard, referring to the militia: "A half dozen British soldiers would whip a whole company of you fellows," while others would say "Oh, there will be no war. You'll go down to Washington on a steamboat and anchor off the city a few days and then come back," or "you'll sail down to Charleston, South Carolina, land on the dock, march through town at the tune of Yankee Doodle, drink a cup of coffee and sail away for home."

My earliest recollection goes back to the days when I was but three or four years of age and lived

in that part of the city of Fall River, Massachusetts, where I was born, overlooking the beautiful Mount Hope Bay, with a large variety of crafts gliding over it in every direction, its opposite shore lined with little farms, dotted with farm houses, fields, orchards and gardens and above them all, Mount Hope where the Indian Chief, King Philip, fell, rising as though a monument to his memory, and I have often wondered if young life amid its surroundings did not in large measure take its inclination from them. "As the twig is bent the tree's inclined." However that may be I do not remember a time in early life when I did not aspire to go somewhere out into the unknown world which inspired the activities I saw going on around me but did not altogether understand, and to do something that would at least be out of the ordinary.

From my earliest recollections and until I was eight or ten years of age the sight of a uniformed fire company, or military company, or a brass band with its wonderful drum major had a magic influence over me and I seldom failed to fall into their small boy pursuing columns. As soon as I was old enough I joined a military organization, Company B of the Fourth Massachusetts Militia, at North Easton, Massachusetts—the town in which lived Oakes and Oliver Ames, famed for their connection with the building of the Union Pacific railroad. In this North Easton company Oliver Ames, a son of Oakes Ames, several times governor of the State of Massachusetts, was one of the early members, and one of its lieutenants when the war broke out was D. C. Lillie, still living, a worthy, venerable and respected gentleman, whose grandfather was a captain of artillery and on the staff of General Knox in the Revolutionary war, who was the

first commander at the West Point Military Academy, and whose son, the father of D. C. Lillie, was the eighth cadet in number to enter that institution, at a more tender age than that fixed for admission in its later years.

Eager for distinction of some kind on the 8th day of January, 1860, the anniversary of the battle of New Orleans, in the little hamlet of Easton Furnace, where cannon were manufactured to fight the battles of the Revolution, I had occasion to pass the melting works of a furnace which was built with a large brick chimney about ninety feet high. The melter was engaged in the flue attempting to close a leak which interfered with the draft and over eighty feet above him, hanging from the top of the flue lining, were several bricks that threatened to fall with disastrous consequences. As he stepped back from his work he said, "I'll give twenty-five dollars to any man who'll get those bricks down." Here was a chance to rise in the world. I looked into the flue and asked him if he would give it to a boy. He answered with a smile that he would, and taking him at his word, I pulled my boots off and started into the flue to climb to the chimney top, amid the jeers of the workmen as to its impossibility. The space in the flue was about two feet square and the smoke of the furnace below had been going through it for many years, so that the walls were covered with a thick coat of soot. I worked my way up by expanding my body so that I could hold with my back, knees and elbows to the smooth walls of the flue and struggle upward. I happened to have a silk handkerchief around my neck and I soon found it useful to protect my nose and mouth and thus avoid suffocation. I went up in stages of eight or ten feet and stopped at the end of each to

breathe and rest. Breathing was out of the question while I was in motion as the space was black as midnight with the soot going through it with whirlwind force. My friends below, who had sneered at my undertaking, now begged me to try to come back, but needing all my strength to reach the top and believing the descent would prove easy, I continued my journey until I reached the overhanging bricks and removed them. I then occupied the chimney top for a few minutes' rest and commenced the return trip, which proved more difficult than I had anticipated. I slid down little by little, but I found it well nigh impossible to avoid a relaxation that would send me to the bottom with fatal result. However, I finally got down in safety, after the struggle of my life, and crawled out covered with soot, the hair on my bare head standing up like porcupine quills, my elbows, knees and back bruised and bleeding, and my body trembling with exhaustion. I felt so good over my success and the plaudits of the villagers, who gathered to greet me as I completed the undertaking, that I forgave the twenty-five dollars bonus. After that the local critics who had compared our militia with the British soldiers to our disadvantage, whistled out of the other corner of their mouths, and admitted that I might go to war if it should come, but I would never have so dangerous an experience as that of climbing the chimney. I have found many chimneys to climb in life's experiences since then, and have seldom passed the opportunity by without attempting to learn what was at the top, but not always with success. I suppose the motive has been "So to conduct one's life as to realize one's self," according to Ibsen's philosophy.

My first military experience of interest was at the

regimental muster field at Quincy, Massachusetts, in the fall of 1860, where we were encamped for several days and put through regimental drill quite frequently, and wound up with dress parade every evening. In the glitter of gold lace, brass buttons, the stirring music of fife and drums and band, I think I came as near to the heaven of human happiness on that delightful occasion as is possible for mere man in his present condition. I remember an incident that occurred while we were marching from the railway station to the field and it recalls others. I was the file leader of an earnest young Irishman named Duffy, who to save his soul could not keep step, and he finally landed on the back of one of my congress gaiters and carried the upper down under my heel, and thus I marched until a halt was ordered, as the dignity of a soldier would not permit any other course. Duffy went to war with us in the following spring as one of the "Minute Men" of Massachusetts who responded to the first call for troops on April 15, 1861, on the fall of Fort Sumter, and being on picket duty one morning on a plantation near Fortress Monroe, Virginia, was approached by the owner with an inquiry as to what state he was from to which he replied, "I am from Massachusetts Sor!" "Then G—d damn you get out of here," shouted the farmer with great indignation, "I don't allow any damned Massachusetts man on my farm." This was all very nice from the standpoint of those who then held that Massachusetts and South Carolina were responsible for the war, but it was not war and Duffy held his ground with soldierly and respectful firmness. Poor fellow, he fell two years later in the terrible slaughter that distinguished the assault at Port Hudson as one of the most desperate and bloody battles of the war, and thus sealed his devotion to the land of his adoption.

But let me return to Massachusetts and my military experience. A few weeks after our regimental muster referred to, the Prince of Wales, present king of England, visited Boston and the military organizations of the state turned out to do him honor. We were lined up on Boston Common to receive him and his suite and the governor, Banks, and his staff. How we did feast our eyes on them as they dashed forward to the reviewing stand in front of our line on their splendidly equipped horses. And how curious we were to get a good look at the prince, the duke of New Castle and the governor as they passed down our front and rear followed by a splendid cavalcade. I never was worse tempted to do a thing I refrained from doing than I was to look over my shoulder and get another good look at the splendid curiosities as they passed along the rear of our line and some of the comrades surrendered to the temptation in spite of military discipline. What surprised me most and disappointed me too, and I suppose the same was true of the rest of our boys, was that these distinguished personages looked about like other people under similar circumstances. The prince appeared to be quite tall, slender and graceful, with a pretty pink and white face and a prominent nose. The duke of New Castle, stout, dark, iron grey and grim; the governor, well, like any other fellow would who got his start as a bobbin boy in a cotton factory and worked himself up from there to the speakership of the house of representatives in congress, the head of his native state and later to the command of an army.

The prince did not look much like the picture we have nowadays of Edward the seventh, king of England, but forty-six years have made changes in the avoirdupois of some of the rest of us who have not otherwise surrendered to the tooth of time.

CHAPTER II.

SERVICE OF THE MINUTE MEN.

In February, 1861, Governor Andrew, the war governor of Massachusetts, called on the militia organizations of the state for the names of members who would volunteer for service in case of war, and about fifty per cent of our company, myself among the number, responded favorably. It was now beginning to look as though there might possibly be trouble ahead. Fort Sumter fell on April 13th, 1861, and the President issued a call for seventy-five thousand men to serve three months, following which the governor of Massachusetts issued the following order:

COMMONWEALTH OF MASSACHUSETTS,
ADJUTANT GENERAL'S OFFICE.

BOSTON, APRIL 15th, 1861.

SIR: I am instructed by his excellency the Commander in Chief to order you to muster your command on Boston Common forthwith, in compliance with a requisition made by the President of the United States. The troops are to go to Washington.

By order of his Excellency,
JOHN A. ANDREW,
Commander in Chief.
WILLIAM SCHOULER,
Adjutant General.

The troops thus called out were afterward known in Massachusetts as the "Minute Men," and it has been written of these soldiers:

“Among the various veteran military organizations, the Minute Men of 1861, seem to have become the most popular among our people. As the name implies, its members are those who responded at a minute's notice to the first call of President Lincoln and Governor Andrew, April 15, 1861; many of them merchants, mechanics, business men and students, went direct from their places of business to Faneuil Hall, thence to Washington, not in gay uniforms, but mostly in citizens' attire, some armed with double-barreled shot guns, sporting rifles and various weapons of defence, to protect our flag and the national capital. Many of these men did not have time to see their wives or children before hastening away; some were school boys, and left school books and dinner pails in their haste to get to the front. It is to these men credit should be given for preserving our country and national honor. One of our popular historians has written: ‘A delay of a half hour in the arrival of the Minute Men in Washington would have found our capital and the archives of our government in the hands of the rebels, who would at once have been recognized by England and France,’ enemies of our country. With this state of affairs it would have been nearly impossible for our government to have again established itself among the nations of the world.

“The Minute Men put themselves to the front and gave our government time to catch its breath. The Massachusetts Minute Men of '61 consisted of seven separate organizations, viz:

“First Massachusetts light battery, 118 men; commanded by Capt. Asa M. Cook.

“Third battalion of riflemen, 318 men; commanded by Maj. Charles Devens, Jr. (late Judge Devens.)

“Third regiment of infantry, 447 men; commanded by Col. David W. Wardrop.

"Fourth regiment infantry, 635 men; commanded by Col. Abner B. Packard.

"Fifth regiment Massachusetts infantry, 829 men; commanded by Col. Samuel C. Lawrence.

"Sixth regiment Massachusetts infantry, 747 men; commanded by Col. Edward F. Jones.

"Eighth regiment infantry, 711 men; commanded by Timothy Munroe, afterwards by Col. Edward W. Hincks.

"This made a total of thirty-eight hundred and five men. Some of our friends have had an idea that these Minute Men were only three months in the service of our country, but at their first camp-fire in Faneuil Hall, Boston, 1887, it was shown that of the 853 Minute Men present all but sixteen again volunteered in defence of our flag and country; 486, or over half, having had experience at the front, were made officers in new regiments and batteries. With this ratio it would appear that over two thousand of these Minute Men were made officers and did much for the discipline and instruction of new regiments."

On April 16th, 1861, at about 9 o'clock in the morning we, myself and several other members of the company in our neighborhood, were ordered to appear armed and equipped for military duty at the armory in North Easton, about four miles distant. It was the work of a few minutes to put our affairs in order, have our white stripes, about an inch wide, sewed down the outer seams of our black doeskin Sunday trousers and slip them on with our blue uniform dress coats, ornamented with white epaulets, adjust our white belts which passed over each shoulder and crossed in front and rear, running down to the roundabout to hold the bayonet scabbard on one side and the cartridge box on the other, and to place the large

brass breastplate in position to ward off cannon balls, bullets, bayonet thrusts, etc., I suspect, and adjust our hats, as tall as the ordinary stovepipe article, and, except the visor, much like the form of a bean baking pot turned bottom side up. It may have been formed on the Boston bean pot as a model. A short staff grew up near the front and top of this hat about a couple of inches which had a white ball, a pompon, on it.

At 12 o'clock, noon, we were at the armory with our guns, flint lock muskets altered into percussion cap arms, and about 2 or 3 o'clock in the afternoon we left by railway train for Boston, twenty miles away. On our arrival we were marched to Faneuil Hall, the rendezvous of our regiment, and of the Eighth Massachusetts, that a little later under General Butler, made, with the Seventh New York, the march from Annapolis, Md., to Annapolis Junction, reconstructing engines, cars and tracks, which the secessionists had destroyed or disabled.

In this noted hall, called The Cradle of Liberty, the body of the first man killed in the revolution—a mulatto man—was laid in state; assemblies on great patriotic and public spirited occasions, gathered here to set the ball rolling; here Daniel Webster defended the fugitive slave law and called down upon his venerable head the eloquent and scathing condemnation of his abolition friends, some of whom preferred a dissolution of the Union to further compromise with slavery; and here, in the rear of the rostrum, stands a grand picture in oil showing the assembled senate with Webster, life size, in the foreground, as he closed his great speech in reply to Hayne, with "Liberty and union, one and inseparable, now and forever," and here you can hardly look at him and recall the

occasion and speech, without feeling that he has his country in his arms and is holding it to his heart.

When we arrived in Boston we had neither military overcoats, knapsacks, haversacks, canteens, blankets, nor clothing not on our backs, but we were soon amply provided for. The two regiments referred to bivouacked in Faneuil Hall that night and slept on benches, floor and platform. The next forenoon a call came for ten picked men from our company and I was anxious to be, and was picked. I was like most all soldiers who have not been under fire: I was spoiling for a fight and the quicker it came the better it would suit me. I suspected the war was to begin right there in Boston, as it did in 1775, but I was doomed to disappointment for we were marched to the state house and put on guard in the rotunda, where after dinner, hearing the sound of fife and drum, we saw a company of about one hundred men approaching with the music in the lead. All were dressed in citizen's clothes, except possibly the commissioned officers, and Joseph's coat "was not in it" when it came to variety in color and character. This company was from Cambridge and was the first volunteer military organization for the war. The company marched past us and disappeared. I was curious to see what the change would be when they reappeared and I was not kept long in waiting. Each man, except officers, as they marched out, wore a gray woolen shirt outside of his trousers, as a frock coat, similar to General Burnside's regiment in the early part of the war, and his equipments were put on over this shirt. They had caps not unlike those worn now; a little broader top with flimsy cloth between that and the band so the top could be set to suit the disposition of the wearer, according to his

inclination as an ordinary mortal, a dude, dandy, a slugger, etc. Other ununiformed men, recruits to regular organizations, who followed, were similarly rigged out.

In the volunteer company referred to was a prominent lawyer, a kinsman of our lieutenant Lillie, who, after the company arrived at Fortress Monroe with the Third Massachusetts, was sent to Washington on a mission where he met President Lincoln, who introduced him to General Scott as Corporal Pierce. and as the story goes, the general said: "I am happy to meet you Corporal Pierce. I was once a corporal myself and while holding that position during the war of 1812, at Hampton, Va., several captured British officers were placed in my charge whom I treated with dutiful consideration. Years after, since I became commander of the army, I was traveling in Europe and met several British gentlemen, one of whom related the fact that he and some brother officers were held as prisoners of war in charge of one Corporal Scott at Hampton, and he treated them so well they thought after their release they would like to meet him again but of course, General, he could have been no kin of yours." Said I, "Gentlemen, I am Corporal Scott!" and it is said the general rose to the stalwart height of his youth as he made this declaration.

But let us return to the Massachusetts state house. Our detail was relieved in the afternoon and returned to the company at Faneuil Hall where we were supplied with haversacks loaded with fresh boiled beef and soft bread, and canteens filled with tea or coffee, and were eloquently addressed as the old colony regiment by Governor Andrew. The regiment was then marched to the state house where we exchanged our old and despised militia guns for Harper's Ferry rifled

muskets, received gun slings, knapsacks, rubber and woolen blankets, overcoats and each one pair of woolen shirts and two pairs of drawers. With these generous donations bundled up in our arms in blissful ignorance of how to pack our blankets or knapsacks, we hurried away to a street near by to give other commands an opportunity for supplies. As we were looking upon our recent acquisitions and vainly seeking for a way to put them in order, a fellow in the crowd—and the streets of Boston were filled on that day with a multitude of people—said, “Young fellow let me help you fix them things. I was in the Mexican war.” I promptly submitted to his direction and was grateful for the opportunity; he soon adjusted my gun sling, the use for which I did not know, packed my knapsack and blankets, fastened them on my back in true military style, and thus set the example for the rest of the boys who quickly benefited by it. When we were all in order the regiment marched to the old Colony depot and boarded the train. Before it pulled out a young man named Bellows from the neighborhood where I lived, who was anxious to go with us but fearful he could not learn to be a soldier, came along side the car we were in and some of the boys seized him by the collar and pulled him head foremost through the window into the car; he was soon provided with gun and equipments and was as good a soldier as any of us, notwithstanding he was the only man in the company not in uniform. He was the first man killed in the war; how, I will relate when I reach the scene of his death.

We arrived at Fall River about 10 o'clock in the evening and shortly after embarked on a line steamer, the State of Maine, for New York. We arrived in New York harbor the next evening about 4 or 5

o'clock, after a stormy experience on Long Island sound, where we anchored for the night. About the time of our arrival Major Anderson of Fort Sumter fame sailed into the harbor on his way back from that fortification which he had surrendered with the honors of war. The night following was raw and stormy. Colonel Ellsworth was parading the streets of New York city with his regiment, the Fire Zouaves, before going south a few days later to meet his death in Alexandria, Va., at the hands of Jackson for pulling down a secession flag that waved above his hotel. New York was wild with excitement, but I suppose this was then true of every city, village or hamlet in the land.

That night, April 18th, I was detailed for guard duty but having a cold I engaged Bellows, the soldier in citizen's clothes, to take my place, which he did cheerfully, for he was anxious to learn his military duties. During the night a bottle of poisoned liquor was passed on board to the guards from a small boat along side, and "it went the rounds" among them; when it reached Bellows there was little left. He drank the last—but a few swallows—with the dregs of the bottle and not long after he began to suffer great pain and was relieved from duty and came below to his berth in the cabin, which was directly over mine. Long before daylight I heard his moans and other signs of suffering and upon examination the clothing around his chest was found to be saturated with blood from a wound in the region of his heart, which later proved to be slight and was supposed to have been caused by the point of his Bowie knife, the sheath of which was broken, accidentally cutting him while he was tossing about in agony. It was decided that he had been poisoned by

the liquor which he drank and he was taken to the upper deck for better care and treatment. He died at 6 o'clock on the morning of the 19th, the anniversary of the battle of Lexington, and was the first man killed in the war; a few hours later on the same day, Needham, Ladd and Whitney of the Sixth Massachusetts were killed in the streets of Baltimore by a mob. Several other men who drank from the same bottle suffered from poisoning but death came to Bel-lows only.

What was the motive for giving this liquor to the soldiers could not be ascertained. We were the first regiment to come into the harbor on the way south and it was believed some of the "wharf rats" of New York who regarded us as "Lincoln hirelings" did it to make an example of the victims. They doubtless belonged to the same class of ruffians as those who shot the soldiers of the Sixth Massachusetts down in the streets of Baltimore; later perpetrated the unspeakable outrages in the New York riot against the drafting of soldiers to carry on the war; sent boxes of clothing infected with small pox and yellow fever germs to places in the South garrisoned by our troops and finally crowned its record of fiendish crimes by the assassination of President Lincoln, of all men best calculated to finish the great work he was engaged in by the reconstruction of the seceding states and the prompt return of their responsible and representative men to the congress of the United States in a manner alike creditable and satisfactory to both sections, and in harmony with the spirit that characterized the silent commander when he dictated the terms of surrender of the Southern army at Appomattox.

Before leaving Boston for New York some of our

boys were told by Oakes Ames, the big man of our town, who was a member of the governor's council, and later a member of congress, that we were destined for Fortress Monroe, Va., and if there was to be any fighting in the South it would be there, as the fort had probably fallen into the hands of the secessionists. On the morning of April 19th, shortly after the death of Bellows, we weighed anchor and stood out to sea on our voyage of conquest. Our vessel was one of the old fashioned side-wheel steamers that had been used as a passenger boat on the Fall River line to New York. To me she seemed like an old friend and companion for I had known her well from the earliest days of my recollection, so I felt quite at home on board of her; but she was about as well fitted for the service she was then engaged in as the holiday soldiers with which she was freighted. Fortress Monroe, as I remember it, covered from forty to eighty acres; was built at Old Point Comfort, which jutted out into Hampton Roads, an arm of the sea in which all the navies of the world at that time could ride at anchor. The outer wall of the fort rose sixty feet above the moat, a body of sea water about five feet deep at low tide and one hundred feet wide surrounding it, crossed by drawbridges; this wall was several feet thick and built of granite. Above it rose the parapet over which the big guns frowned savagely on the outside world; beneath the parapet and the rest of the ramparts of the fort were large rooms built of stone masonry and used as quarters for officers and soldiers, magazines for ammunition, warehouses for storing food supplies, etc., and casements from which heavy guns peered through embrasures, and outside of all, commanding the main channel of the Roads, was a forty gun water battery, built of granite on the

front and ends, with a brick arch over each gun and brick floor beneath. The top of the work was made of arches and covered several feet deep with earth and sodded over. On the flank of this battery, several rods away above high water mark on the beach, was a fifteen inch bore gun, the largest ever made in this country up to that time, in position to rake the channel passing the fort. It was called the Floyd gun, after President Buchanan's secretary of war, who was charged with treachery in reducing our army to the minimum number and placing the troops so far away from where they might be needed against the secessionists, and in such scattered bands as not to be available when the critical time arrived.

To take this formidable fortification six hundred Yankee militiamen sailed out of New York harbor, as I have stated. One shot from the smallest gun in the fort fired into our boat on its water line, and its guns numbered a hundred or more, would have sunk us so deep in Hampton Roads that it is doubtful if there would have been enough of our topmasts left above water to fly the flags with which we went down, for it was possibly intended that we should set an example for the heroic conduct of the Cumberland and Congress which were sunk in those waters by the Merrimac during the following year.

All day following our departure from New York we sailed southward along the coast over a glassy sea, which seemed to swell with pride because of the burden it was bearing on its bosom. When night came our colors were hauled down and lights put out in the parts of the boat occupied by the soldiers. We expected to be in hostile waters before daylight and desired to conceal ourselves until we were ready for the deadly work before us. About 4 o'clock in the

morning, Saturday, the 20th of April, we were off the mouth of Chesapeake bay, and a little steamer ran out, sighted us, threw up a rocket and disappeared in the darkness. We took it for a picket boat of the secessionists on the lookout for vessels coming to the relief of the fort or to attack it and such it later proved to be. Its action added to the evidence we already had that we would get a warm reception as we dashed from our steamer over the beach, across the moat, scaled the outer wall of the fort and drove the gunners from the cannons on the parapet. We had no doubt about that rocket saying to the secessionists on shore: "The Yankees are coming."

We continued our journey until daylight found us near "Willoughby Spit," a shoal about five miles away from Fortress Monroe, where a light boat was kept at anchor to warn vessels of the dangers of the shoal. Our colors were not flying because we did not desire to advertise our business, as it was the kind of business that succeeds best without advertising. The occupants of the fort were suspicious of us and trained, and kept trained, one of the big columbiad parapet, or barbette, guns on us until they discovered our true character, a soldier standing with the lanyard in his hand ready to respond at the command "fire!" Had our colors been hoisted, perhaps, they would not have been so suspicious of us, but up went "Old Glory" in the fort and its folds opened gracefully with the gentle breeze to receive the welcoming kisses of the morning sun. There was little doubt now on our boat about the secessionists having the fort, because if our folks held it they would have kept the flag flying all the time so their friends coming from the sea would know they were there. This flag raising was a trick to deceive us. When we became better sol-

diers and sailors we learned that a vessel always shows her colors and that a military post raises and lowers its flag with the rising and setting of the sun. At the time we were passing judgment on the meaning of the raising of the flag over the fort, Hampton, about two miles away from there, was flying a secession flag.

Notwithstanding our suspicions we steamed boldly up to the wharf below the fort's guns and the officer of the day, an artillery captain splendidly uniformed, followed by his orderly, a neatly dressed musician, whose dazzling stripes and scales led us to think the fort was garrisoned with officers altogether, came down to meet us. Mutual greetings of relief and satisfaction passed between our colonel and the officer of the day and I think all of us felt better than we would have after attempting to attack the stronghold before us.

I imagined when we left New England that Fort Monroe was a gloomy stone structure on a barren sandy beach about as forbidding a spot as heaven's curse could make it; and here spread out before our admiring gaze, our eyes fairly feasting on it, was the splendid sight of the fort itself in the grandeur of its grace and magnitude, and outside the moat were numerous neat little cottages surrounded with shrubs and flowers the perfumes from which filled the air to such an extent as to take us back to the days of paradise. This was the beginning of war, for this was the first hour of the Yankee soldiers' arrival on the sacred soil of Virginia, yet to be the dark and bloody ground of the greatest civil war known to history. What a contrast was the future to be with that loveable picture of peace and contentment! Civilians there were generally regarded as secessionists and some of

them were openly and violently so in speech; but the time was rapidly coming when all had to get on one side or the other, and the sides to keep out of range of each other except in battle. If Virginia had seceded it was not then known at Fort Monroe. I think it had not yet passed the ordinance of secession, but did so soon after. On the day we landed Robert E. Lee resigned his commission in the United States Army to cast his fortunes with his native state, which I suspect, regarded us as invaders, and perhaps he agreed with her. It used to be said by those opposed to war, or many of them, "secession is unconstitutional but you cannot coerce a state."

Shortly after our boat tied up to the wharf, we rigged ourselves in presentable shape and marched into the fort, where we were assigned to quarters in the barracks and then scattered to see the sights. The regulars in the garrison numbered two hundred and eighty-seven companies reduced to the minimum, as previously stated, by Secretary of War Floyd, who ran away from his comrades at Fort Donelson the next spring through fear of falling into General Grant's hands and being sent to the doom he deserved, if the stories about him were true. These regular soldiers were glad to see us but prophesied that if there should be any fighting they would be thrown into the thickest of it as they were professionals, and as we were volunteers we would be regarded as patriots and heroes; that was nice, but at dinner that day I was very hungry; we had a plate of bean soup to each man and a slice of white bread to go along with it. After I had eaten my soup I called the cook to tell him I would take another plate of soup and he promptly informed me that I could not have it, as I had my rations. I don't think I ever had to go to

the dictionary to look up any phase of the word rations after that. I had it impressed upon my mind forever after with a reinforcement such as hunger alone could give. Of course we could go to the suttler's and buy some stuff to fill up on; but the disappointment, what could I do with that at the suttler's or elsewhere? I sat down at the table that day expecting to eat dinner, instead of that I was cut off with "you've had your ration." I was not alone; we were all served alike. In that mess was the late Elijah Morse, the millionaire "Rising Sun Stove Polish" manufacturer, and for many years a member of congress from Massachusetts. He, too, had his ration.

During the middle of the forenoon of that day the Third Massachusetts came by steamer to the fort and on the following evening, with a solitary drum beat, marched to the wharf and boarded the United States armed steamer Pawnee for Portsmouth navy yard, about fifteen or twenty miles away. It was rumored that Portsmouth and Norfolk, particularly the latter, were swarming with secessionists, there were no rebels yet, and some of the old regulars said as they saw the regiment march down to the steamer, "Many a poor fellow among them will bite the dust." This regiment reached the navy yard and with the sailors on the Cumberland, which was at anchor there, and those of the Pawnee, sank the Merrimac, a sister ship of the Colorado, Minnesota and Wabash; burned the Pennsylvania, then our largest war vessel; destroyed as much of the navy yard and its naval stores and contents as possible, to make it useless to the secessionists, and returned the following morning without the loss of a man, or even the firing of a shot, bringing with them the Cumberland and its crew, commanded by Commodore Pendergras, in tow of a tug boat.

During the year following the Merrimac was raised by the confederates; her body cut down to a gun deck over which was erected a roof of railroad iron to protect her crew, battery and engines; and in the spring of 1862, she came out into Hampton Roads, sank the Cumberland and Congress at the mouth of the James river and treated her sister, the Minnesota, with such consideration as to somewhat mar their family relations. But the Monitor coming in on its trial trip from the north proved itself on this surprising monster of the sea so well that the latter returned to her watery grave a few days later and thus put an end to threatened immeasurable injury to the Union cause. The crew of the Cumberland sank the Merrimac but the Merrimac rose from the grave to which they consigned her to sink both the Cumberland and her crew.

Not long after our arrival at Fortress Monroe we observed that our secession friends had established a picket about a mile from the fort at the end of the causeway leading from it to the main land, and that but a few steps from it was a picket post for our folks, made up of regulars from the fort. This did not look unfriendly enough to indicate hostility of a warlike nature, but nevertheless that is what it foreshadowed. We had not been at the fort but a few days before the commander of the post, Colonel Dimock, moved out with a detachment of regulars armed as infantry and a section of a battery. He invited the secession guard to fall back, which was promptly done, and a picket line of volunteers established by us on the main land near the entrance to the causeway. In the early days it was not an infrequent practice for our boys who did not relish the army rations to go beyond our pickets and through the secession

lines to purchase more palatable food, and on such occasions the only opposition they met with was a frown from a secession officer or advice from his men that they better not pass to the rear of their line. A little later the First Vermont joined us. This was a splendidly uniformed and equipped regiment commanded by Colonel Phelps, formerly a captain in the regular army, who did service among the Mormons before the civil war in the far West with the yet to be famous generals, Albert Sidney Johnston and Fitz Hugh Lee. It was said there was not a man in this regiment less than five feet ten inches tall, and among them was one who later became an officer in the regular army, rose to the rank of colonel and was killed at the head of his regiment in the Boxer outbreak. Liscomb was his name, I believe.

After a short stay in the fort and vicinity this regiment broke camp and moved out beyond our picket line to re-establish itself on ground that was to be the general camp for the many regiments of volunteers expected. This move was a signal for the negro slaves to run away from their masters in the adjacent territory and penetrate our lines for protection. General Benjamin F. Butler of Massachusetts, was one of the brigadier generals of the militia of that state and so strong a pro-slavery democrat that when he was about to go to the national democratic convention at Charleston, S. C., in 1860, he is said to have given this answer to a gentleman who asked him if he was going to that convention: "Yes, by G—d I am going to the Charleston convention and before I leave I will have it fixed so that I can buy and sell a nigger on the streets of Lowell,"—his home town; and in addition to this it was charged that he voted fifty-six times in that convention for Jefferson Davis as a pres-

idential candidate. But supporting slavery as it stood under the Dred Scott decision and extravagant assertions about establishing it in Lowell, which the general himself did not believe, presented a different proposition than that of the destruction of the Union in the interest of slavery. General Butler, like many other pro-slavery democrats of prominence in the North, promptly became a war democrat, responded with his brigade to the first call for troops and exhibited so much skill and energy as a leader that his was one of the earliest promotions to the rank of major general of volunteers. The general was assigned to the command of the Fortress Monroe district and troops about the time the Vermont regiment referred to arrived there, and was soon to have an opportunity to fix the status of the runaway slaves within our lines.

One day I saw a field officer of the Vermont regiment and several nicely dressed and genteel looking civilians dash into the fort on horseback and dismount at General Butler's headquarters. The civilians came to ask him for the return of their slaves and he met them on their own ground and cut the gordian knot. He admitted that slaves were mere chattels but as such they might be used to further the cause of the Confederacy and therefore when coming from an enemy's territory they were contraband of war, and this was the basis of all song and story of the contraband in civil war times. Under this rule, which the Confederates themselves could not deny the soundness of, the runaway slaves held their liberty until the emancipation proclamation went into effect, more than a year and a half later.

During the months of May and June several very fine New York regiments joined us, among them the

Fifth New York, "Duryea's Zouaves." Comrades of the Grand Army of the Republic have occasionally seen a surviving member in full uniform at national gatherings of the G. A. R. They wore red baggy legged trousers, canvas leggings, a blue scarf around the waist, a small blue loose fitting jacket ornamented with figures in braid, and for caps a red fez with blue tassel. In this regiment was G. K. Warren as lieutenant colonel, who afterwards as a major general commanded the Fifth army corps of the Army of the Potomac and was offered the command of that army, but whose distinguished military career was brought to a sudden close at Five Forks, just before the surrender of General Lee and his army at Appomattox, by an order from the blunt and fiery Sheridan relieving him from command in the face of the enemy for lack of energetic action, and which, upon an unsuccessful appeal to a court of inquiry broke his manly heart and sent him to an untimely grave. Judson Killpatrick, afterwards the famous cavalry general, was a captain in this regiment, and the regiment was itself so good in active service that it became a part of Syke's division of regulars, most remarkable for their effectiveness and fighting qualities. Another one of these regiments was the Ninth New York, "Hawkins' Zouaves," in which our one armed soldier friend, Kellog, formerly of Woonsocket, was a member; another was the Tenth New York, Arthur Linn of Canton, ex-commander of the soldiers' home at Hot Springs, was a member of that regiment. All the regiments that came to us from New York were good, but those I have mentioned were particularly fine.

Before the middle of June we had a large army where Mr. Buchanan's war secretary had left us but

two hundred and eighty men to garrison a fort requiring thousands. We who were quartered in the fort soon found out that we had something else to do beside strutting around in our militia uniforms with a halo of self-admiration surrounding us, or borrowing the captain's or a lieutenant's coat with gold epauletts to lead a squad of comrades past the guard on the main drawbridge of the fort to comparative liberty and other pleasures on the outside. We were frequently detailed to haul big guns from the ordnance yard outside the fort to the parapets on the inside, so that men skilled in the work could mount them, and when not at this work we were employed in unloading army supplies, such as bread and meat for men and grain and hay for animals, from the vessels laid along side the wharf. The supplies for the soldiers we rolled in barrels from the wharf, what seems to me now a half mile or a mile into the fort to the monster store houses of the casemates, in which it seemed nearly another half mile from their entrances to the top of the stored barrels where we often finished each journey. The food for animals was stored outside the fort where the air was much better than in the casemates, otherwise we might have found it somewhat disagreeable, for in this work we were often associated with "intelligent contrabands." I remember one occasion when I had for a partner in rolling baled hay a runaway slave as black as night; he at one end of the bale and I at the other as we pushed it up in the store house to the top of the pile. He was dressed in linsey woolsey and I had all of my nice militia uniform on which I could wear under the circumstances. He was generally silent but when he spoke to me it was with so much respect I could not help associating him with Uncle Tom, of Uncle Tom's

Cabin. The runaway slaves by this time were very numerous inside our lines and one of our sources of amusement was to get squads of them together after night fall to dance on bare spots of ground to the tune supplied by one of their number humming and patting on his knees as he bent forward for that purpose. How the darkies would perspire and kick up the dust when encouraged by the white folks. The salt sea air came very handy on such occasions.

Along about this time we noticed the first firing of hostile guns in our neighborhood—a duel between the United States gunboat Monticello and the Confederate works at Sewell's Point. The affair did not amount to much, merely an exchange of a few shots. It was a bloodless engagement. Standing as a sentinel at the north end of the water battery one morning I was hailed from the parapet of the fort by its commander and directed to tell the captain of the Baltimore boat at the wharf to proceed no further on his trip to Norfolk. I delivered the message and this was the beginning of the blockade which lasted until the iron-clad Merrimac came out the next spring and sank the Cumberland and Congress. Marching the sentinel's beat on the parapet in the solemn stillness of the night in those days, was interesting; every half hour the bells would strike on the war vessels and the watch would call out one, two, three, four, five, six, seven or eight bells, according to the number struck, and "a-l-l-s w-e-l-l."

After we had been in the fort about six weeks all the companies of the regiment except ours, had their ranks swelled by a number of recruits and a little later the regiment was ordered to Newport News for the purpose of establishing a post and fortifying it. Our company was to be left in the fort because of the

smallness of our numbers. That we were disappointed is putting it mildly; there was "wailing and gnashing of teeth." It seemed mighty hard that we old vets who were first in the field should be ordered to give way for the tender feet. The service of all was similar, however; they dug trenches and piled up earthworks, while we unloaded vessels and rolled their contents into store houses for the coming campaign.

About this time a large steamer came down from New York loaded with the hardest looking lot of male humanity I ever cast my eyes upon. It was called a "naval brigade." As a matter of fact it was a mere mob gathered together from the streets of New York city by its colonel, who was believed to be demented, under the promise that each man would receive a bounty of twenty dollars before sailing and as much more when they reached Fortress Monroe. The men were dressed in their every day clothes; had received no part of the bounty promised; had been poorly fed and cared for on the steamer and were bordering on mutiny when they landed. Some of them had lost an eye, an arm or other member, and all of them except officers, looked exceedingly wretched. The government would not recognize them as an organization but finally, when their colonel left for Washington, never to return, they were corralled and cared for; the disabled sent home and those fit for service allowed to join other organizations. Some of them enlisted in the regular army, but most of them were organized into a new volunteer regiment, of which it was reported in 1863, that its most distinguished service was catching free negroes inside of our lines and running them through the enemy's lines, where they were sold as slaves. I do not vouch for the truth of

this report but many of the men who came with the "naval brigade" looked tough enough for that or any other kind of bad work.

The appearance of the "brigade" recalls a story of "Billy" Wilson's zouaves. The chaplain was addressing them a short time before they left New York for the seat of war but they did not seem to heed what he was saying, so Colonel Billy called out, "Boys, pay attention to what the preacher is telling you for within ten days you may all be in hell!" "Three cheers for hell" shouted one of them, and three hearty cheers were given. They thought hell was some place down south where they would meet the enemy. Not long after this the Confederates gave them such a dose at Santa Rosa island, Florida, that they must have been convinced they had reached the place they so roundly cheered.

Life at Fortress Monroe settled down to the commonplace after we had been there a few weeks but we were rapidly drifting to the point of unmistakable war. Early in June an affair occurred at Philippi, Virginia, in which several were killed and wounded. Then followed a skirmish at Seneca Mills, Maryland, on the 16th of that month, and the following day an engagement at Boonville, Missouri, between the Union troops under General Lyon and the Confederates under General Price, which measured by the loss on both sides rose to the dignity of a battle. It was now our turn. Detachments of Union troops moved out from Hampton and Newport News on the night of the 19th or morning of the 20th of June, with Big Bethel, a few miles away, as their objective point. There they met the Confederates under General Magruder in a fortified position and suffered defeat. Among the killed were Major Winthrop

of General Butler's staff, a member of a noted New England family of that name, and Lieutenant John Greble of the regular artillery garrison of Fortress Monroe, who commanded a section of a battery in the fight, the only artillery on our side. This officer was held in high esteem by his associates and his funeral at the chapel in the fort and the procession which followed the remains was a splendid tribute to his worth. The casket containing the body was strapped to the carriage of the gun he was working when he fell and his blood and brains bespattered it. All the officers and soldiers of the garrison and many of the sailors from the fleet were in the procession, privates and noncommissioned officers in the lead, company officers following their companies, regimental officers their regiments and General Butler and Commander Pendergras bringing up the rear, and in returning all faced about on their individual ground so that the general and commodore led the procession. Only a part of our regiment—four companies taken from Newport News—were engaged in the battle of Big Bethel and we who were left in the fort constituted the burial party for the only man killed in the regiment.

General Magruder who commanded the Confederates was an old regular army officer, a captain of artillery, of whom the story was told that while on the march with his battery out on the plains before the war, he noticed one of his men lifting a canteen to his lips and the following occurred: "What have you in that canteen, sir?" "Whiskey, sir." "Pass it to me, sir." After taking a drink he passed the canteen back to the soldier and said: "What's your name, sir?" "Private O'Riley, sir." "Hereafter you are Corporal O'Riley." A little later he called to the soldier: "What's your name, sir?" "Corporal O'Riley,

sir." "What have you in that canteen, sir?" "Whiskey, sir." "Pass it to me, sir." And after drinking again he passed it back with "What's your name, sir?" "Corporal O'Riley, sir." "Hereafter you are Sergeant O'Riley." And it was said if the whiskey had held out the captain would have exhausted his power of promotion.

The 20th of July soon came around, our three months' service was ended and we shipped aboard the steamer S. R. Spaulding for Boston. We arrived on an island in the harbor about the time the news of the disaster to our arms at Bull Run shocked the people of the North and it seemed queer that we should be returning to civil life at a time when our services were most needed. The Confederates adopted a more effective way of creating their army. They enlisted their men for longer terms and kept their organizations full so the new men soon became veterans. Perhaps they adopted that plan from necessity, as the supply of material was limited. But whatever sentiment might suggest as to our being retained in service we were mustered in for but three months and our Uncle Sam, as usual, kept his word and mustered us out on time.

CHAPTER III.

RETURN TO ARMY, BURNSIDE EXPEDITION.

Many of us could not stay out. We soon began looking up an opportunity to get back again. I finally brought up at 112 Washington street, Boston, where a company called the Havelock Guards, after the pious English General Havelock of India fame, was being organized. Its organization was alleged to be under the auspices of the Rev. Phineas Stowe. A long haired serious looking individual of middle age, was in charge, and he announced that no one could get into the company unless he was twenty one years of age. This was a poser, but I made up my mind to be one of the elect and I immediately became twenty one and was twenty one by the record for about three years thereafter. If my memory serves me correctly the serious looking man gave his O. K. to my rapid increase in age. We went into camp at Lynnfield, Mass., as the second company for the Twenty-second Massachusetts, to be commanded by Senator, afterwards Vice President Henry Wilson, and soon the ten companies that were to make up the regiment were assigned their places and we were worked at company and battalion drill up to our full capacity. One day a young lieutenant came into camp from a clerkship in a store in Boston. He was to have a distinguished career in the civil war, where

He rose to the rank of a brevet major general and commanded a division of Hancock's famous Second corps at the "Bloody Angle" on Spottsylvania's battle field, where more lead and iron were hurled at each other by the contending forces than ever before or since in the same amount of space and same length of time by opposing armies. Not long ago he was retired from his place as commander-in-chief of the army.

Another distinguished soldier who started in the Lynnfield camp as a private in the Nineteenth Massachusetts is General Greely of Arctic exploration fame. Colonel Wilson came to see us frequently, but as he was merely the political commander, he left the matter of drill and discipline to his subordinates. One day, however, he undertook to command the regiment on review and marching in column by companies was about to go through the sutler's tent for want of a proper command when he invented the order "Music left wheel" to get out of the dilemma. His commission as colonel ended when he reached Washington with the regiment and turned it over to a real commander.

Before the regiment was ready to start for the South the Havelock Guards, not having the full number of men required by army regulations, had to give up its place to another company and the members, disgusted with the delay, abandoned the organization and enrolled themselves in companies of the Twenty-third Massachusetts now nearly ready for the field. I joined the Plymouth company and knowing something of military tactics was made a sergeant. We left the camp at Lynnfield in November, 1861, for Annapolis, Maryland, to become a part of the Burnside expedition in the waters of North Carolina. On

our way we were feasted at the Park barracks in New York City with bean soup and wheat bread, and we were given a nice breakfast at the "Cooper shop" in Philadelphia about 3 o'clock in the morning; then pushed on to Havre de Grace, Maryland, where we were to take steamers to Annapolis. The steamers did not arrive as early as expected and we bivouacked in the big railway station where one of our earliest enemies, taking advantage of the rain and mud, assaulted us with influenza so successfully that many had cause to remember it a long time after; but the steamers came after a day's delay, and transferred us to Annapolis, where we occupied comfortable quarters in the naval school buildings until we were prepared to go into camp, a mile or so north of the town.

Three brigades were organized as rapidly as possible which were to make up the Burnside expedition and the time between our arrival and that of the sailing of the expedition was occupied by company, regiment and brigade drill, and discipline; useful in future service. Our brigade was the first and it was comprised of the Tenth Connecticut, the Twenty-third, Twenty-fourth, Twenty-fifth and Twenty-seventh Massachusetts. It was commanded by General John G. Foster, who was a captain of engineers at Fort Sumter when it fell and a very able and effective officer, who had the confidence, love and respect of his subordinates and of the men of the brigade quite uniformly. The second and third brigades were commanded by General Reno, (killed in battle the following summer), and General Parke, who later commanded the Ninth army corps. The regiments of these brigades were from Pennsylvania, New York, New Jersey, Connecticut, Massachusetts and Rhode Island, perhaps one from New Hampshire, and what

I have said of the drill and discipline of regiments of our brigade was equally true of those of the other brigades. In our brigade with the Twenty-fourth Massachusetts was Gilmore's band of Boston, led by the far-famed Pat Gilmore of the Boston jubilee, and most, if not all, of the regiments had their brass bands in those days.

As a reminder of the Havre de Grace bivouac I carried a severe cold with me until I was landed in the hospital ship of our brigade about a week before we broke camp to go aboard the fleet provided for the expedition, but that week's experience convinced me that I was convalescent and able to return to my regiment, which the doctor in charge permitted me to do. Although I could with difficulty walk to the regimental camp, a mile away, with my gun and other traps, I felt sure of more and better care at the hands of the men of my own company than among strangers in a hospital ship, the air and care of which would make a well man sick. Wading through snow, slush and mud I finally arrived in camp to hear that the doctor had decided I was a consumptive. The camp was to be broken up the next morning and I had to repeat the exhaustive march I had just concluded, but youth is strong in hope. I took no stock in the consumptive report and determined to bear up until we got on ship board, so I should not be condemned to that disgusting hospital ship again.

All day long we were on the march or standing around the wharf in the slush of melted snow and diluted mud, and at evening we marched on board of an old river boat, built up as a double decked transport, to take us in midwinter to Cape Hatteras, the stormiest place on the Atlantic seacoast. This craft was named the Huzzar, and beside the soldiers stowed

away in her she carried two big Parrot guns between decks, and a Wiard gun at her bow. The heat for our quarters was the animal heat furnished by the soldiers, and we were packed in like sardines, except the spaces between us were not filled with oil. If a soldier wanted a little extra heat he could crawl through a door that opened near the top of the boiler to a place along side of it that would hold three or four men at a time. There was nothing very romantic or heroic about this kind of life and the growlers had the right of way. But we were in for it and almost anything that would take our attention from ourselves was a welcome occurrence.

After the troops and supplies were loaded at Annapolis the fleet made its way south to Hampton Roads and some of the vessels anchored there to let others catch up, but we were soon on the move again and the second day following that on which we lost sight of Fortress Monroe found us off Cape Hatteras in a frightful gale, and for a time it looked as though the fate which overtook the Monitor there, after she gave the Merrimac her death blow, was held in store for us. It seemed as though the angry sea was lashing itself with fury to swallow us. Vessels drawing nine feet of water only, could get into Hatteras inlet, and it was a close shave for many of them; the big store ship, City of New York, ran high and dry on the bar and was soon broken up into drift wood among the breakers. What that ship drawing fifteen feet of water was sent down there for no one seemed to know, but speculation on the government's misfortune which was the fashion then, probably had something to do with it. It was in line with the supply of fresh water furnished the fleet in kerosene oil barrels. The soldiers could use that or go without water

altogether. But the soldier had one remedy he could fall back upon. He could curse the army contractor to his heart's content.

The vessels which constituted the fleet finally, after a few days' delay, got into Hatteras inlet and cast their anchors in the shifting sands of that treacherous harbor, not, however, without the loss of several in the same way as the City of New York. The force of the Burnside expedition consisted of thirty-one steam gun boats, some of them carrying heavy guns; eleven thousand five hundred troops, conveyed in forty seven transports, some of them armed, and a fleet of small vessels carrying sixty days' supplies.

Having followed the expedition to its anchorage at the base of operations let us turn to a brief consideration of its purpose. Before the rising suns of distinction and glory of Grant, Sherman, Sheridan, Thomas, Farragut and Porter had shown themselves above the horizon, somebody had conceived the policy of shutting up the Southern Confederacy as indispensable to the success of the Union cause. To the distinguished heroes named fell the lot of cutting it to pieces in later times. At the outbreak of the war General Scott, who had won fame in the war of 1812 and in the Mexican war, was at the head of the United States army and continued there for many months. Simon Cameron, the Pennsylvania political leader, was secretary of war and Gideon Wells secretary of the navy during the same time. It seems natural to conclude that President Lincoln, the two members of his cabinet and more particularly the first soldier in America in experience and wisdom, determined upon the closing up policy to meet the hostile feeling abroad that swept our commerce from the seas and penetrated Southern ports with

British built war vessels, sought to form a combination for armed intervention between the North and South and established the empire of Maximillian in Mexico. Whoever originated the policy, its purpose was to cut off all commerce between that part of the Union in a state of war, and the outside world, except such as was permitted subject to supervision of the war power, and as a move along that line, following the capture of Hatteras inlet the preceding August, by an expedition under General Butler, the Burnside expedition was set afloat. That it was well directed there is no doubt. General Wise, who was governor of Virginia when John Brown was hung, tells us: "Roanoke Island," the objective point of the expedition, "lying behind Bodie's island, the sand bar that shuts off Upper North Carolina from the Atlantic ocean, offers some of the most interesting souvenirs of early American history. It is the key to all the rear defenses of Norfolk. It unlocks two sounds, eight rivers, four canals, two railroads. It guards more than four-fifths of the supplies of Norfolk. The seizure of it endangers the subsistence of the Confederate army there, threatens the navy yard, interrupts the communication between Norfolk and Richmond, and intervenes between both and the South."

During our stay at Hatteras inlet the sky was usually overhung with leaden clouds, sometimes when the wind was particularly fierce they assumed a yellowish brightness as though the spirit of evil was grinning at our wretched condition. It was a common occurrence for several of our vessels to fly their colors union down at early morn as evidence that the previous night's storm had left them in distress. But all things human must have an end and after knocking about in the inlet for two weeks or more the

work of getting our vessels over the "swash," an inside bar, began. Many of them, ours among the number, had to have the help of a light draft steamer on each side and a chain under the bottom as a lift to get over this bar, a tribute to the rogues who sold these unfit vessels to the government for such a service. But most, if not all, of them got over and then the stormy period seemed to come to an end.

On February 6, 1862, after our delay at Hatteras had given our friends, the enemy, their army under command of General Wise, and navy under Commodore Lynch, ample time to prepare a warm and appreciative reception for us, we weighed anchor and steamed toward Roanoke island. The day was perfect and heaven seemed to smile on our undertaking. We came to anchor below the island about the middle of the afternoon and preparations began for the work before us. The naval vessels took an advanced position while the transports moved up so the troops could debark at the lower part of the island. Beyond our naval vessels was a line of piles, sunken vessels and other obstructions to bar their progress up the narrow sound—Croatan—and beyond the obstruction was the Confederate navy, while on the island flank were heavy batteries commanding the sound for a long distance. The soldiers generally went ashore below the inland batteries on the afternoon of the 6th; enough of them were left on the armed transports to work the guns, and that service fell to our company on the Huzzar. That evening, General Foster, our brigade commander, dignified and smiling, came along side of us and gave the captain of our vessel some good advice about keeping cool when the splinters began to fly, which was not out of place as the captain was an excitable fellow.

The morning of the 7th opened bright and fair and under Commodore Goldsboro we sailors went in for victory or death. The way some of the little gunboats commanded by young dare-devils, went at the Confederate batteries was interesting. Although built of wood alone they would run up within a few hundred yards of a battery mounted with the heaviest guns and pour their shot and shell into it and perhaps get one or more eight or ten inch shot through their boats from side to side or end to end with the unavoidable loss of life and maiming that go with such experience. I remember that a late congressman from the state of Maine was one among these dare-devils; like most of his manly companions he has joined the great majority. I now recall his name. It was Boutelle. He will be remembered as receiving recognition by way of an appointment as captain in the navy shortly before his death. Among the liberal gifts of recent administrations by way of appointment in the military and naval service of the country, some of which recall Captain Magruder and Corporal O'Riley, none were more deserving as a recognition of the noble spirit of a true and worthy sailor or soldier than the appointment of Captain Boutelle. But we were all in line of battle doing the duty assigned to us. As I stated before we had two big Parrot guns between decks and a three inch Wiard in our bow, on the upper deck; those we worked the best we knew how as we moved into the position assigned us in the line of battle by the commander of the fleet, and that we were not altogether unworthy of recognition was proven by the attention the enemy paid us. As night came on the naval engagement closed; on our craft no losses occurred.

The next day the troops on shore advanced until

they encountered a three gun battery which they soon captured but with some loss. Here fell Colonel Russell of the Tenth Connecticut, one of the very best regiments in the service, largely indebted to him for its early training. On the other side O. Jennings Wise, a son of General Wise who commanded the Confederates, fell. I mention these as more marked: there were many others equally as brave and faithful and whose deaths were as deeply mourned. The principal fighting was at this battery.

As we outnumbered the Confederates two or three to one and took their other batteries in the rear with our land forces, after disabling them with our naval attack, there was nothing left for them to do but surrender, which was gracefully done. General Wise escaped to the main land before the surrender. We suspected the general thought he might be called to account for hanging John Brown; but suppose the free soil governor John A. Andrew of Massachusetts had been in the place of Governor Wise how otherwise could he have acted in John Brown's case? One of the blessings we enjoyed after the capture of Roanoke Island was the opportunity to take launches loaded with clean empty barrels into the juniper waters of the low lands and fill them for use on ship-board; the change from the kerosene tinctured water furnished us by the "patriotic" New York contractors was good enough to make us feel that we had landed among our friends instead of our enemies.

We remained in the waters of Roanoke Island until about the 11th of March, occasionally scouting through the bays and inlets for contraband vessels and one day after we had captured a small schooner and were bringing her in with the National colors, found in her cabin, flying at her masthead, one of our

gun boats came down on us with the men beat to quarters as though it was ready to sweep us off the face of the earth, but we saved ourselves by a prompt and satisfactory explanation.

The individual experience may be of little value from the ego standpoint, but as an example of how the boys operated the story of one may be tolerated. I have said I carried with me from Havre de Grace a cold that landed me in the hospital ship for a week and clung to me on return to my company, and I desire to add that I found a cure, perhaps, not laid down in the rules governing the practice of the medical profession. Our rations had been made up of salt meat, beans, hard bread, rice and molasses and we hungered for vegetables; perhaps that is not a good expression, but it is true, and one day we, a squad of us, went ashore where we learned that about a mile away across a level stretch of land over which the water stood about ankle deep we could get our fill of sweet potatoes, so away we went regardless of wet feet, for we wore common government shoes; but when we reached our destination the potatoes were gone. We returned just before night fall and waited in the cold, with wet feet and legs, for a boat to come for us from the Huzzar, our "home on the ocean wave," and it came in due time and took us back. After I got aboard I crawled in beside the boiler of the vessel and got thoroughly warm and dry before I came out and then went to bed in my army blanket. When I woke up the next morning the cold and cough were gone never to return. I hope this information will not interfere with any medical gentleman's business. I suspect my experience was a freak.

About the 11th of March, our fleet sailed back from Roanoke Island to Hatteras Inlet, where Com-

modore Goldsboro learned of the disaster to his flagship, the Minnesota, and the Congress and Cumberland, other ships of his fleet, in the waters of Hampton Roads, as a result of the attack of the new Merrimac. He left us at Hatteras under command of Captain Rowan who on the following morning led the way in an advance on New Berne at the junction of the Neuse and Trent rivers. On the evening of the 12th we arrived in the Neuse river at the mouth of Slocum's creek about twenty miles below New Berne, where we anchored for the night preparatory to debarkation on the following morning.

I stated in connection with an explanation of the purpose of the Burnside expedition that to Grant, Sherman, Sheridan, Thomas, Farragut and Porter fell the lot of cutting the Southern Confederacy to pieces, and it was also true that no more effective or heroic service was ever done on land or sea for our country, or any other, than that of Admiral Farragut in his engagement with Forts Jackson and St. Philip and the Confederate navy below New Orleans on the Mississippi, leading his gallant fleet in the old wooden flagship, the Hartford, with the spirit that characterized John Paul Jones in the fight of the Bon Homme Richard with the British ship Serapis, when both vessels were on fire, his own sinking, his decks slippery with blood and well nigh covered with the wounded and dead, and hailed by the British commander to surrender he replied: "We have only just begun to fight!" and followed this up with a superb dash with cutlass in hand at the head of his men over the enemy's side, and compelled him to haul down his flag.

Farragut and his fleet, in connection with General Butler and his army, closed the Mississippi in pur-

suance of the policy that sent the Burnside expedition into North Carolina waters, and thus gave a master stroke in that plan which was followed later at Vicksburg by Grant in one of the most brilliant campaigns of the war.

At Mobile Bay Farragut, lashed in the rigging of the Hartford above the smoke of battle, leading his fleet and to the signal: "Look out for torpedoes!" giving the command "D——n the torpedoes! Go ahead!" we witness another victory along the line of the port closing policy. And what splendid men these sailors were! Where in the history of human daring or chivalry can be found an act of more princely courtesy, or sublime courage than that of Captain Craven of the iron clad in Farragut's fleet at Mobile, who being in the pilot house when a torpedo exploded under his ship and she was sinking, started for the door to save himself but meeting the pilot and there being but room for one to pass out, graciously waived his superior right with "After you pilot," and went down to death with his ship, while the life of the pilot was saved.

CHAPTER IV.

ADVANCE ON NEW BERNE.

But I am far away from the scene of action where I left our fleet, and I will return to it, about twenty miles below New Berne, North Carolina, on the Neuse river, where we anchored on the night of March 12th, 1862.

The next morning all was bustle and activity; the war ships, pure and simple—no armed transports—were preparing to move up the river and engage the enemy's fleet and batteries, while we, the troops, were hurrying down the sides of our vessels into launches and pulling away for the shore, where we jumped overboard in two or three feet of water, waded to dry land and formed our company and regimental organizations preparatory to the advance of the army. We had left a small garrison at Roanoke Island and a regiment or two had been added to our force so we must have had about twelve or fifteen regiments, each six or seven hundred strong, to move on New Berne. We had no batteries; only two marine guns to be hauled by sailors and soldiers over roads that even after forty-four years can give me about as good a rhetorical start in the way of profanity as any inspiration at my command. The gun boats were to precede us shelling the woods along the river through which we were to march to reach the

enemy's position a few miles below New Berne, where their left rested on the river with a formidable work containing nine heavy guns which commanded the river opposite the obstructions in it to bar navigation and could enfilade our infantry line of battle with a most demoralizing and destructive fire. Away to the right of this for a long distance stretched intrenchments as a cover for infantry; then came several batteries of light artillery admirably posted for business from the Confederate standpoint; thence the intrenchment continued away to the right across the railroad between New Berne and Morehead City until it reached a low swampy thicket such as military engineers select to connect the flank of fighting forces with in the absence of a sufficiency of effective cavalry. We know the position of the enemy now; we have known it ever since the morning of the 14th of March, 1862; we should have known it before but we did not.

About 10 o'clock on the forenoon of the 13th we began the advance and had not been on the march long before it began to rain; North Carolina soil in the low level lands of the state that border its sounds and the rivers which empty into them, in connection with a good vigorous rain, is a combination hard to beat in opposition to the march of large bodies of troops; at its best it seemed as though when one got his foot well stuck in the mud and attempted to get it out it was a question whether the mud or the ankle would give way. Under this condition we dragged ourselves wearily along until about noon when we halted for a little while and a Rhode Island regiment marched by with a woman dressed in bloomers carrying one of the flags of the regiment. Her name was Katie Brownell. She was the wife of the first ser-

geant of the color company of the regiment, and planted the first of our colors on the captured works of the enemy in the battle of the day following, in which her husband was wounded, and she is now the only woman, as a soldier, on the pension rolls.

After the Rhode Island regiment passed us we again "fell in" and continued the march until night overtook us without seeing a sign of our enemy, except an abandoned earthwork. The gunboats had cleared the woods out as with a fine tooth comb, so far as humanity was in question. We camped for the night, or to be correct, we bivouacked for the night, in a flat low lying country sparsely covered with pine timber, where the rain, as it fell in torrents, soaked the earth until it was much like a wet sponge; all it needed was the pressure of our bodies to bring the water to the surface. After eating our "hard tack" and drinking our coffee—and I remember now that I had a bargain with a comrade that he should carry the hard tack and I the butter for we two, and that my haversack was filled with the can of butter at a dollar a pound, while my partner had overlooked the hard tack so we both had to depend upon the generosity of the other boys—but this partner was a good politician. He was afterward secretary of the commonwealth of Massachusetts for seventeen years. I repeat, after eating our hard tack and drinking our coffee we each gathered a few pine boughs and made beds or shelter for ourselves near the doubtful and flickering fires we had built, and dozed away the night as best we could.

As soon as daylight came we were up and stirring, and steaming too from the soaking of the night before, and the animal heat we were giving out. We gulped down our apology for a breakfast, without

washing face or hands—that was not in order; we were already washed beyond the requirements of army regulations, and fell into company line to look ourselves over and see what condition our guns and ammunition were in for fighting purposes. We found them bad enough for condemnation in any situation except in the immediate presence of a battle. On the day preceding, the marine guns were in the column on the march near us and I frequently saw the sailors, gunners and soldiers detailed to assist them, tugging away at the ropes with which they were dragging these infant guns through the mud to fight one of the best constructed and armed earthworks prepared up to that time for any battle field of the South. Sometimes the soldiers and sailors would get a lift by capturing an ox, steer or cow and hitching it up among themselves to share the pull. Whatever their luck they never lost their place in the line of march and came into bivouac promptly on time. One of these guns was commanded by a young naval officer named McCook, of one of the fighting McCook families of Ohio, both of which had very distinguished sons in the civil war. The other was commanded by a man whose name I did not know but whose characteristics convinced me he must have been the famous Lieutenant Cushing of the navy, who always distinguished himself when the opportunity occurred, and finally fairly outdid himself in the destruction of the ram Albemarle, at Plymouth, North Carolina. He was over six feet tall, straight as an arrow, a blonde, about twenty years old and a bundle of nerves that it seemed to take the strain of furious battle to calm.

Before we left the bivouac we heard firing ahead by volley and supposed it was the same as our fire, merely emptying our guns to reload, so far as we

could. But pretty soon a staff officer dashed along the road his horse at full gallop and gave out the word, "stop firing;" we stopped, fled out into regimental organization and began the advance again. We were tired and straggled along with our guns over either shoulder or slung on our backs as suited us; covering at least twice as much ground as we should have covered to be ready for the shock of battle which we were soon to experience. After we had marched about a mile I noticed General Burnside and staff standing in a group on the left of the road, and I think the general said as we passed, "close up, men." I know one of his staff officers did, and our colonel repeated it but we didn't "close up." If General Burnside or our colonel knew what we were going into the head of the regiment should have been halted, the ranks closed, and it would have done no harm to have sent the word along the column among the boys that business would soon begin, and we would have gone in on the double quick to a man. I used to have a lurking suspicion in my early service that we would do better work if the men were sometimes taken into the confidence of the officers a little more as to the locality, time and nature of expected engagements, not long before the battle opened. I knew it later.

About this time an accident occurred to one of the men in our company that looked funny to the rest of us, but not to him. He fell sprawling at full length in the mud as he was marching along, and there I will leave him for the present. In the past when the question was of interest it was sometimes disputed as to who the youngest man in the service was, but I never heard the question raised as to who the oldest man in the service was; that is, enlisted

man. I think it was this man lying there on the verge of a terrific battle, which he later compared with his fighting under Napoleon, his full length in North Carolina mud. His name was John Fide. He was a Frenchman over seventy years of age, who blackened his hair and whiskers to get into our company at Plymouth, Massachusetts, where he lived, under the age limit of forty-five years. He served as a soldier in the armies of France when all Europe trembled at their tread; he fought under Napoleon Bonaparte, and was wounded on the historic field of Waterloo. After a little struggle the old man drew himself together and got up, covered with mud, but still about as clean as the rest of us, and took his place on the march among his younger comrades to do his full duty as well as the best of them in the hottest part of the impending battle.

When the old French veteran of Waterloo had withdrawn himself from his full length impress in the mud and joined the ranks of his comrades, who were trudging along "in rout step," as soldiers say, which means "go as you please," only keep in the company and regimental organization, and we had not gone more than two hundred yards from the Frenchman's accident, along an old road over a slightly elevated "scrub-oak" tract of ground, when one of the enemy's cannon opened on us and was instantly followed by all the guns along their line, hurling solid shot, shell and canister into us as thick as hail, as it seemed, with perfect range, for they were only about six hundred yards away in our front, and a belt of pine timber concealed them from us.

To say we were surprised is putting it too mild for such an occasion. I speak now of the men of my

own company within view—a few seconds after the batteries opened the smoke descended and one could not see more than fifty yards away or half a company length. We stopped as though electrified and dropped down to get under the terrible fire, for it seemed to be about breast high; we knew not what was going on to the front or rear, the right or left—the halt started ahead of our company; the lieutenant colonel was killed at the first fire and at the same time the captain of the company immediately in front of us had a leg shot off, and perhaps this accounts for the halt; no command came from those in authority, neither colonel nor captain, but after a few seconds one of our lieutenants, a big voiced brave man, roared out so we could hear him above the din of battle, “forward!” and my chum and I, both sergeants, repeated the order and away we all went on the double quick to the front in the strip of pine timber, between which and their line of intrenchments the enemy had fallen trees “criss cross,” called “slashing,” to impede our advance while they were thinning out our ranks with their well directed and destructive fire. Each man seemed to be for himself and appropriated the most convenient pine tree as a cover from the enemy’s front fire, at least that was true of the part of my company which followed the order “forward,” the rest of the regiment ahead of us was a little ways off on our right and front apparently in line but looked small for six companies, the rear half of our company, which doubtless did not hear the word “forward,” and the other three companies came up later and we all got together in regimental line, as we should have been in the first place and would have been if the regiment had been in close marching order so that commands, if given, could

have been heard and passed from front to rear of the regiment.

But let us return to the pine tree cover. I had been something of an enthusiast in learning military tactics and supposed they were for use in battle as well as to show off with on drill and dress parade, and among other things I had learned to fire lying down on the skirmish line and here was the place to put that drill into practice, for the enemy's fire was very low, they had prepared to receive us; they had perfect range with their light batteries in our front; batteries from the best artillery of the Confederacy; so from behind my tree I stretched myself out at full length on the ground, resting on my elbows as I fired, then rolled over on my back, put the butt of my musket between my feet to bring the muzzle in convenient position and reloaded, thus continuing until that part of the regiment in line having fired its forty rounds from the edge of the timber at the place where the enemy was supposed to be in the dense smoke, fell back for another regiment to take its place, which made a worse show than we had done, for we stood by our guns until our ammunition was gone and charged bayonets on our successors to keep them up to their work.

While I was pursuing the art of war according to my individual view of punishing the enemy and self preservation, some other interesting individual experiences were occurring around me; my chum, a boy named Terry, who with me joined the company as a sergeant when the Havelock Guards broke up, was a short distance away on my right; he was swarthy and muscular and had a smile of satisfaction on his face as he occasionally looked over at me from his tree, behind which he was as industriously blazing

away as the most active, but finally I saw him move as though he would fall and as he turned his face to me it was the picture of agony which his voice reinforced as he cried out: "Dollard come and carry me off;" he was hit in the ankle with a canister shot, an iron ball at least an inch in diameter. Before I could reach him, or he could fall, a couple of our boys were by his side and bore him from the field. He was shot from the right of our line; the river battery of the enemy poured an enfilading fire into us. He was standing behind his tree while I was lying down behind mine; if the ball that struck him had the same range on me it would not have been necessary for anybody to carry me off the field, at least, beyond the burial trench; such is military strategy—sometimes. I was hit in the thigh with a canister shot but fortunately its force was broken by hitting something else, before it reached me. Terry lost his leg but saved a good stump, after two or three amputations, and later was made an officer in a regiment operating at Morris Island, in the harbor of Charleston, South Carolina, where he was again shot in the same leg, but fortunately in the wooden part of it.

Immediately to my left in the fight I noticed another boy who was firing from behind a tree and on the right of it. I think he was kneeling or stooping, when a cannon shot from the front tore by the tree grazing it to the left of his face a few inches and threw him on his back, his hands and feet in the air; his face the picture of fright when he cried out: "Captain, Doctor, Jersey, carry me off!" He was not hurt much; the ball's force threw him backward without hitting him, a few splinters struck him in the face and started the blood; he saw the captain near by and a boy we called Jersey Blue; he thought of the

doctor, and in his terror-stricken condition called for their help. Poor fellow, a deadlier enemy was lying in wait for him; he died of typhoid fever a few weeks later.

To add to the pandemonium of legitimate battle our gun boats in the river behind us a half mile or more away, but cut off from view by the timber, their commanders thinking to help us, opened fire in our rear with their big guns, the shots from which came tearing through our ranks with a roar such as an ordinary railway passenger train might have made if running a hundred miles an hour, and their shots were quite as well aimed to reach us and as destructive as those of the enemy, but soon ceased, however. While this firing was going on, to my left almost within reach, one of the smaller of their shots carried away the arm of one of our boys, and within ten feet of me smashed the intestines of another to jelly, almost severing his body in two.

As I have already stated that part of our regiment in line on the edge of the timber fell back to give place to another regiment, after it had fired its forty rounds, and we all got together in line. The regiment that was to take our place marched bravely to its position, but as soon as it began firing the enemy's batteries poured a demoralizing artillery fire into it which drove it back upon us, who were under the same fire and without ammunition, but we had been baptized, and while we were not spoiling for a fight then we were in temper to hold that regiment to its duty, so we fixed bayonets and brought our pieces to the charge, the butts of our guns resting on the ground, for we were kneeling to keep below the fire we could not resent, and presented a line of steel to our retiring fellow soldiers. It is a fact, however,

that this regiment in the following summer, at Antietam, covered itself with glory by its gallant service at Stone Bridge, and in 1864 at the siege of Petersburg its brave young commander met a heroic death, and the most historic battery along our line was named in honor of his memory. I say the most historic: it was this work that the enemy charged and captured in the spring of 1865, when our boys thought its capture impossible, but they soon regained it and the ball thus set rolling continued until a few days later, away off on our left, when Grant and Lee met at Appomattox and the great civil war was brought to an end. Beside this the quartermaster sergeant of that regiment, an enlisted man, followed up his volunteer service by joining the regulars and is now a major general in the regular army, and late commander of our troops in the Philippines. The experience of this regiment on its first battle field recalls the fact that Frederick the Great was charged with showing the white feather in his first battle, whereas he later became the master military spirit of Europe and fought successfully the great nations of France, Austria and Russia at the same time.

While we were operating as I have stated, immediately to our left were the two marine guns which I have spoken of and they were not silent in the general roar of artillery which continued from the beginning to the end of that four hours' battle; they were fought by their officers and men until they could fight no longer; "all killed or wounded," would have been a correct report for the surviving officer of one of the guns to make. Such was the fate of the men who fought under the direction of the tall blonde officer I have supposed to be Cushing, and when his last man fell he coolly mounted his gun carriage and

watched the movements of the enemy with his field glass. In the meantime the brigade of General Parke worked its way around the right flank of the enemy and captured his intrenchments there, where Katie Brownell planted the flag of the Rhode Island regiment, the first of our colors to wave over the works of the enemy, while her husband lay wounded in the field hospital as a reward for the part he had taken in the battle.

With the success of General Parke's move the enemy began to waver, observing which the young naval officer referred to started for the intrenchments on foot and alone, got in, captured and mounted a horse as the illustrated papers of the times showed, dashed away and captured Lieutenant Colonel Avery of a North Carolina regiment, with its colors, in the face of the regiment which the latter was trying to rally. We pushed across the "slashing" and into the works as soon as possible after Parke's brigade had turned the flank, and found all the light batteries, with which we had been given such an interesting entertainment, abandoned there, but not a horse left. They had all been killed in battle or nearly all. The gun boats broke through the obstructions in the river at the same time we carried the works and the fate of New Berne was sealed; it was to fall into the hands of the dreaded "Yankees."

At the beginning of the battle the old Frenchman got separated from our company and fell in with a batallion of another regiment which made a desperate attempt to break into the enemy's intrenchments near our front, and of this experience the old man said it was worse than anything he saw at Waterloo. I myself had a variety of experiences in battle in the low lands along the rivers and among the

pineries of North Carolina and in the hills and valleys of Virginia, and have fallen wounded nigh unto death on a field where sixty per cent of the men, or nearly double that of the loss of the light brigade at Balaklava, were killed and wounded, but I never was engaged in anything quite so peppery as the battle of New Berne, when the Confederate batteries were in full play upon us and our own gun boats in the rear plowing furrows through our ranks under the impression of their commander that they were doing us a welcome service.

The commander of the army in the Philippines is not the only soldier of the New Berne battle field who has risen from the ranks of the enlisted men to merited prominence and distinction. One who was a corporal in my regiment at that battle and who later joined me in a new regiment in which he was a captain when his service came to an end, but shortly afterward went into the regulars, has been, after forty two years' service, appointed Paymaster General of the United States army.

Shortly after we captured the enemy's works on the New Berne battle field we began our march on that city and arriving opposite to it on the Trent river we found the railroad bridge across that stream burned and had to take to our shipping again to reach it, and arrived in the beautiful elm shaded town about 4 o'clock in the afternoon. We marched at once to the fair ground outside the city, where our friends, the enemy, had very kindly left their camp and garrison equipage, cooking conveniences, bedding, personal baggage, etc., for us, which an army of negro women and children, not appreciating their courtesy, was rapidly taking possession of, particularly the lighter articles. As we approached the camp we

met a column of negroes coming out of it loaded down with quilts, sheets, counterpanes, tobacco and other things, and as one of them, a tall bare footed mulatto woman whose dress was cut off about half way between her knees and feet, passed near the rear of our regiment with a fine quilt thrown over her shoulder a soldier slipped out of the ranks under that part of it hanging down her back. As they were marching in opposite directions and each endeavoring to continue the march the incident attracted the attention of the regiment and was the cause of much merriment, notwithstanding the sad experience of a few hours before, but a look from the eagle eye of our dignified and handsome colonel gave the woman the victory.

The camp was a welcome find for we left our woolen blankets on the vessels when we went ashore at Slocum's creek and had only our overcoats and rubber blankets to use as bedding and not much use of those for that purpose during the drenching rain of the previous night. It is forbidden by army regulations for soldiers to straggle away from their command for plunder in the face of the enemy and the penalty is death; but a hungry soldier will take his chances and the way the ducks and geese were brought into camp the night following our arrival there was evidence that a plentiful supply of material had been provided for a season of serious courts martial. However, such conduct could hardly be said to be prejudicial to good order and military discipline. It was a case of that necessity which knows no law.

The Sunday following our arrival in New Berne was a sad one; funeral services were held by all the regiments, each separately, in memory of their dead who had fallen in battle and been laid away in name-

less graves. Soldiers are not savages, no matter how much their occupation may be condemned by humanitarians; the sorrow and gloom that spread throughout companies and regiments at the loss of comrades in battle was as genuine, deep and lasting as that which characterizes the severance by death of the dearest ties of friendship in any other field of life. Bayard Taylor wrote in his song of the camp, most truly:

“The bravest are the tenderest,
The loving are the daring.”

And even for the sufferings of the enemy the true soldier's heart is filled with sympathy, notwithstanding

“The stern joy the soldiers feel
In foemen worthy of their steel.”

New Berne was situated between the Neuse and Trent rivers at their junction. These streams were of fresh water and considerable in size; they drained a flat low lying country for many miles, and were sluggish and probably had been since their origin, and they, with the water we secured for domestic purposes, not far away, had prepared a reception of an even less friendly character for us than we met on the New Berne battle field. We were but comfortably settled in our camp when typhoid fever broke out and reduced our ranks by hundreds. I think my own regiment melted away from about six hundred to less than two hundred in a few weeks; the hospitals were filled to overflowing; many of their inmates died and many more were so disabled as to be unfit for future service.

After lying in camp a week or ten days with a consuming fever, often delirious, I remember that orders came for the regiment to break camp and go out

to the front on picket duty nine or ten miles away, and we who could not go were taken to the hospitals. I never felt stronger in my life than I did as I ran up the steps to the second story of the hospital building and I determined to get out of there the next morning and rejoin my regiment; but when the next morning came and I had gone out for an airing I could hardly crawl back into the hospital where I was at once put to bed, and in a day or two a cup of tea felt as heavy in my hand as a good sized cannon ball would when in ordinary health. However, I was fortunate for I became convalescent in a few days and shortly after joined my regiment in time to be on hand when an attack of the enemy killed one of the members of my company and at the same time they carried away as a prisoner of war the only avowed abolitionist in it, notwithstanding it was from Plymouth Rock, which was the starting point of a civilization of the opposite school to that of Jamestown Island. A few days later we returned to New Berne for provost duty in that delightful little city.

But all is not hardship, distress and danger, even in war, at least to the younger element of the army, and that means the great majority of the rank and file of our side in the civil war. We had the best of martial music and plenty of it. When not on the march in the earlier years of the war we had plenty of plain food, good comfortable clothing, blankets and quarters, enough of duty to give us a reasonable amount of exercise only, and as much freedom as was consistent with our welfare and necessary discipline, and you could depend upon the boys to make things interesting when off duty. What they could not think of as legitimate sources of amusement when time hung heavy on their hands it was needless for others to seek.

Catching some "big headed" fellow and throwing him up in a blanket to bring him to his senses was sometimes resorted to. I remember a striking instance before that organization of supposed pious young men, the Havelock Guards, was broken up. We had a young man in the company named Napoleon Wood. There was not much Napoleon about him but a good deal of wood, and he carried his head high in honor of his first name, so high that it was deemed necessary to discipline him in the blanket. One night about dark he was seized by two or three husky fellows who threw him into the blanket which half a dozen others were holding to receive him and no sooner was he in than up he went eight or ten feet and was kept going up and coming down until his efforts to get away landed him head first against the cook house and there he lay as though dead. The matter now became serious. The boys thought he was sure enough dead, or soon might be, and they hurriedly carried him to his tent and attempted to restore him to life; one of them poured a dipper full of Medford rum into him and not long after he came to as drunk as a lord. Some of the boys who were unacquainted with the mysteries of Medford rum thought he was crazy and had only been saved from death to meet a worse fate, but Napoleon came around all right and being a teetotaller was none the worse for his innocent acquaintance with the stimulator that restored him to life and happiness, to the inexpressible joy of his tormentors, who seldom ran the risk of the blanket game after that experience.

We spent the summer and much of the fall of 1862 in the performance of provost, or police, duty in New Berne, where we were quartered in some of the best residences vacated for our accommodation at the

close of the battle we had fought below the city. We saw much of the "intelligent contraband" while there as well as in other localities in the South, and a more gentle, kindly, good natured, well behaved people I never saw. Uncle Tom and Aunt Chloe were in evidence on every hand, but we looked in vain for a Simon Legree. One would naturally conclude that these negroes must have been a good people at heart and well brought up by their Southern masters and I guess that is about the size of the situation. Aside from his love of liberty there seemed little cause of discord between the white master and the negro slave, but on the contrary the respect and affection of the slave was largely reciprocated by the affection of the master and his family; facts perhaps overlooked in the period of reconstruction, when the clinging vine was substituted for the stalwart oak under which it had been sheltered and to whose branches it clung for care and protection. Where in the record of human affairs is there a finer example than that of the faithful care of the masters' families by the slaves while the former were fighting the battles of the Confederacy? Not a single example of wrong perpetrated by the slave against the master or the family left to his care; unless running away to secure his liberty be accounted as such. And what a record these lowly sons and daughters of Africa made in caring for and helping along the escaping Union prisoners, thousands of whom appeared at the negro cabins within the Confederate lines during the war to ask for food and shelter and help on their way back to the Union lines, and not one was denied or betrayed! Yet these splendid qualities could hardly be said to fit these unfortunate people to exchange places with their masters in the field of statecraft, or to any considerable

extent participate with them in the duties of such a field; although they most strongly commended their elevation from chattels to the high plain of the civil rights of American citizenship, such as our own race enjoys in a state of guardianship.

But I am getting too serious for the occasion and some of its incidents I have in mind. Shortly after we reached New Berne I was posted with a squad of men on one of the main roads leading out of the town and when morning came a stream of "runaway niggers" began pouring in upon us. I remember one lot; it was a black mother with a half dozen little pickaninnies that might all have been born at the same time, judging by their size. They were in a one-horse tip cart which looked like a crow's nest. I addressed the mother with: "Who do you belong to, Auntie?" "I 'long to you all now I reck'n." "Who does this horse and cart belong to?" " 'Long to you all now I reck'n." I sent one of the boys into town with them to look up a vacant house to locate them in with orders to bring back the team and he shortly after returned with it. As near as I could learn he found a little house on the outskirts of the city, drove into the lot and instead of helping the mother out politely and lifting the babies out for her, he removed the tail board of the cart, unhitched the box in front and gently raised it so as to slide the whole family out behind, returned it to its place, mounted the box and drove away, leaving the little family in full possession of their new found liberty. On another occasion I was returning to camp from the city and met a very old negro woman who was evidently a new comer and somewhat curious as to what a Yankee looked like—all Northern soldiers were Yankees. When I reached the old woman she stopped and looking at me said:

"Is you Marse Yankee?" "Yes, Auntie." "Den God bres you' soul Marse Yankee." Apparently from the bottom of her heart. While we were out on picket a few miles from the city a negro man came along on his way to New Berne and one of the boys asked him how far it was and he answered "About tree good looks sah!" That is, you could take a look at the point where they stood; then go to the furthermost point seen and look again; then repeat your last performance and you could see New Berne.

We indulged in daily drills on the outskirts or in the streets of the town while stationed there and one day I was practicing my company in skirmish line firing on the advance; the men were instructed to each aim at an object a few hundred yards away, but their guns were supposed to be unloaded; one man, however, had overlooked unloading his piece when he came off guard and innocently blazed away at the head of a negro four hundred yards from him, and shot his hat off. The old darkey suddenly raised his hand to his head, and we thought the accident serious but the wool was only scorched a little.

I had occasion during the summer to drop into a small rough board shack in town where a middle aged "contraband" kept a few things for sale, and after buying something of him he handed me a "shin plaster" and asked "What kine er money you call dis hyr sah?" I examined it and asked him where he got it. "Got it fum a soger sah." "What did you give him for it?" "Some backer and de res in change." The shin plaster looked like a North Carolina state bank bill but it was merely a sticker taken from a dollar bottle of the Perry Davis Painkiller, which had a big figure one in each corner and promised to pay the bearer one cent on return of the empty bot-

tle. The soldier had passed it for a one dollar bill and, as before stated, received the tobacco bought and the balance of the dollar in change. When I explained the nature of the bill to the black merchant do you suppose he was indignant? No, not he. Most white men would have been. He simply stood with his arms akimbo and laughed as though "his sides would split" with the thunder roar of mirth that rolled from his lips.

I have spoken of Corporal Pierce and his mission from Fortress Monroe to Washington, where he met President Lincoln and General Scott, and the latter told his experience as a corporal and later as the commander-in-chief of the army. I have since learned Corporal Pierce was a delegate to the national convention that nominated Lincoln; private secretary to Salmon P. Chase, when governor of Ohio and a member of congress, and a lawyer in Boston when the war broke out that in his eagerness to join the ranks of his country's defenders closed his office, went down to the wharf and hired a boatman to row him out to a steamer at anchor in the harbor loaded with troops bound for the seat of war and joined them.

CHAPTER V

CAMPAIGNING IN NORTH CAROLINA.

In the summer and fall of 1862, our experience was chiefly confined to drill and discipline, with an occasional expedition into the enemy's country. On guard mount and dress parade, spotless clothing, white gloves, polished shoes, belts and brasses and glistening muskets and bayonets were the order of the day, and the spirit of emulation ran high among the soldiers and the different companies of the regiment, but an occasional infraction of discipline would occur as a reminder that we were still ordinary mortals, sometimes not unmingled with humor. One of the methods of punishment for such lapses was barrel drill. When a soldier had departed from his duty and obligations to such an extent as to be condemned to this punishment a light barrel with a hole cut in the bottom big enough to let his head through comfortably, was turned bottom side up and slipped down over his shoulders and he was given a beat to march for a stated time. The punishment was not severe, but was intended to be humiliating. I doubt, however, whether it was ever visited on any person not beyond the reach of humiliation by any means.

In those days there were frequently parties of finely dressed naval officers ashore and on one occasion such a party passed by the quarters of one of

our companies when a soldier was on barrel drill. One of the staves was off the side of his barrel and when the officers passed his beat he promptly came to attention and standing as straight as an arrow thrust his arm out through the gap in the side of the barrel and saluted them "in one time and four motions." It is safe to say that all parties to the ceremony enjoyed it as much as the situation would permit, and the soldier became the hero of the hour.

The naval officers, as well as some other officers, and often the boldest and the bravest, sometimes fell short of the strictest requirements of discipline in personal conduct when off duty. The following was told me by a friend then in command of our fleet in the Appomattox operating against Petersburg, Virginia, in the siege that closed with the surrender of General Lee's army, who at the time we were in New Berne commanded a gun boat in the fleet there. His executive officer was a handsome, bright, brave young fellow and, according to practice, frequently went ashore on leave of absence but sometimes came back late at night stimulated to a degree not calculated to advance the discipline of the service. At last the captain warned him that another such an exhibition would result in his report to the commander of the fleet and the young man promised most solemnly that no occasion for such a report would occur. In those days naval officers on shore were usually dressed with exquisite taste; they wore spotless white trousers, vest, shirt front and collar, with nobby blue sack coats and panama hats when the weather permitted. The young man referred to often went ashore after he was admonished and returned all right, but one day, dressed in his best, he went the rounds with his congenial companions and came along side his vessel

very late at night. The captain was on the quarter deck and heard a struggle at the gang way near the water line, then a splash as though a man was overboard and shortly after the executive officer ran up the gang way dripping like a drowned rat, to the deck where he confronted his captain with a salute and "Captain, I'm not drunk sir!" and he wasn't. He was not reported and he never afterwards gave occasion for criticism.

General Burnside with his second and third brigades enlarged and formed into divisions left us in the summer of 1862, to join General McClellan in his operations against Richmond, leaving our military department and troops under the command of General John G. Foster, a very efficient officer who had the affection of the soldiers and their respect and confidence without limit. He had ten or twelve thousand men under his command which later became the eighteenth army corps, Burnside's command becoming the ninth army corps, and in the fall we went into camp to prepare for the field again. The peninsular campaign of McClellan had failed; the president had issued his proclamation freeing the slaves unless the Confederates should lay down their arms before January 1st, 1863; General Pope had issued his order "Headquarters in the saddle," led his army to the most disastrous defeat it suffered throughout the war, at the second Bull Run battle, and invited the comment from Lee that "Nothing more could be expected from a man who had his head quarters where his hind quarters ought to be," and Antietam's bloody but indecisive battle had shown the temper still left in the never to be forgotten army of the Potomac. What would come next? was the question uppermost in the minds of the soldier element. Burnside was

appointed to command that army. He was a handsome charming man; the soldiers in our North Carolina contingent all loved him; we would turn out at a moment's warning to wildly cheer and toss our caps in the air for him, but we had more confidence in the leadership of his subordinate generals than in him and looked for nothing better than the disaster of Fredericksburg, which quickly followed, about the middle of December, 1862.

To engage the attention of the Confederate troops in North Carolina and hold them from combining with Lee's army in Virginia against Burnside, we broke camp on December 12th, and took up the line of march about ten thousand strong, into the interior. The first night we bivouacked about twelve miles outside our New Berne lines. The night was cold and frosty and each regiment had a plentiful supply of burning rails along its lines before the men rolled themselves up in their blankets and stretched out on the freezing ground to doze away the hours until the dawn of the coming day. Strong guards were thrown out so that we should not be surprised by the enemy and a line of glistening artillery occupied our front ready for instant action.

The next morning we were up early, coffee was soon distributed and swallowed with the bread and meat ration from our haversacks and we were on the march. Our first experience was crossing a stream over which there was no bridge. My company was on the left flank, the last company in the column; the companies preceding us had dodged the water by stringing out in single file along some fallen trees used by the side of the road as a foot bridge, but we dashed into the water about three feet deep, forming a pool fifty or a hundred feet long, plentifully mixed

with ice that had frozen on it the night before, and when in the middle of it some of us went down to our necks in a hole that we fell into in the broken corduroy road at the bottom of the pool. But there was no time to stop and dry ourselves, if we were so inclined. Out of the water and on the double quick we went to catch up, and as the head of the regiment kept right on going after it crossed the pool we had plenty of time to double quick and get up steam for heating purposes before the ranks were again closed, and the rattling discharge of fire arms not far off in our front indicating that we were striking the enemy's pickets, did not tend to decrease our speed when we got together again. The cold and frozen ground of the morning was followed by muddy roads during the day and a bivouac in the soft soil of an old field the night following, where our rubber blankets froze to the earth beneath us.

The next day our experience was similar to the one preceding until about noon, having flanked the enemy's works in front of Kinston, we came down on his rear at Southwest creek. Our batteries were rushed forward into action and opened a furious fire on the enemy, while our regiment went down into a swamp and across a mill race on the run to join the regiment at the head of the column in the fight only to get in as the enemy abandoned their artillery and fled. By our energy we won an opportunity to capture three or four good hogs which we killed and ate in two hours, while the rest of the army marched by and left us to bring up the rear after dark the night following over a road half knee deep in slush and mud previous to a freezing night's experience without fires in an old cotton field to prepare for the battle of Kinston on the morrow, on which hundreds of our

brave fellows were to go down in death or with ugly wounds.

The dawn of December 14, 1862, following a comfortless bivouac without fires to dry our feet and legs after the march through mud and water of the night before and chilled with the freezing temperature, found us up and ready for the coming battle which was to open in our immediate front. Shortly after there was a hurrying to and fro of staff officers and orderlies, a distribution of extra ammunition, followed by the orders to fall in and regiment after regiment broke into columns of fours and marched up the main highway leading to the enemy's position, which was soon developed by the skirmishers in front as the familiar rattling fire of musketry told us. This was promptly followed by the deployment of our troops in line of battle on the right and left of the road, and their rapid advance in this formation, while battery after battery dashed forward at the gallop, the drivers rowelling their horses' sides with savage spurs and the animals foaming with sweat as they plunged madly forward as though eager for the fray. We were not long in coming together. The battle raged for hours and victory finally perched upon our banners, but as usual, we paid dearly for it, for we were fighting foemen worthy of our steel. We had flanked the enemy's entrenchments, took them in the rear and fought them in an open field, thanks to the skill of our commanding general. Not only this, but they fought with the Neuse river behind them, and we pushed them so rapidly when they began to give way that hundreds, unable to escape across the bridge, fell into our hands as prisoners of war. The Confederates were commanded by General Evans, who commanded their side at Balls Bluff, in Virginia, a little

more than a year before, where the lamented Baker, colonel of the First California regiment, a United States senator of Oregon, and one of the most eloquent orators and distinguished statesmen and patriots of the time, met his death; and we had the tables turned on the Confederate leader. We had him and his army in the same position that he had Baker and his associates at Balls Bluff, on a battle field with a river in their immediate rear.

We followed the retreating enemy across the river, through and beyond the town of Kinston and in addition to the prisoners captured, relieved him of much, if not all, of his artillery, but were told by some of the men captured that we would find plenty of the boys up the country where we were going, which we learned later by the warm reception they gave us.

We spent the following night agreeably in the town of Kinston, and the next day, after burying our dead, we began the march to Goldsboro to destroy an extensive bridge and tressel work on a trunk line of railroad connecting the theater of war in Virginia with the states to the south, and their indispensable supply of men and means to hold that field of operations. We jogged along the first day out without any occurrence of unusual interest and the following night enjoyed a most comfortable bivouac, for we had plenty of pitch pine fence rails to burn and relays of men kept up the fire all night long while their comrades slumbered sweetly, notwithstanding the freezing temperature. I had captured a big black boy about six feet tall and two hundred pounds in weight at Kinston and took him along with me to "tote" my blankets. When night came his black face and the whites of his eyes made him a shining mark for

the boys bent on mischief, and as they hardly considered a "nigger" a man and brother on such occasions he was frequently the victim of a clod hurled out of the darkness at him in a way not calculated to increase his comfort. To protect him I gave him a place beside me in the line where we lay and upon waking up in the night from an oppressive feeling I found him lying on his back soundly sleeping with one of his ponderous legs thrown across my body, which I was not slow in reminding him of the necessity of removing. I kept him with me until we returned to New Berne where I gave him up to a friend in the quartermaster's department, who in later years became secretary of the commonwealth of Massachusetts, with the recommendation that he was faithful. In those days if a plantation negro had one failing more prominent than another it was in his stock of "gray backs," and from the frequent reminder which my friend gave me of the recommendation as to the faithfulness of this particular plantation darkey I suspect he learned that fact by experience.

The forenoon following our last bivouac we pushed on towards our destination as rapidly as possible, but about noon, near Whitehall, we struck something and our regiment was ordered to the head of the column, where we found ourselves in position to form line of battle and advance through a belt of timber to the Neuse river and relieve a skirmish line engaged with the enemy posted on the opposite bank, about fifty or a hundred yards away. We promptly formed a line and advanced in the perfection of dress parade order to the business before us on the river bank and there paid our respects to our Confederate friends for an hour or so, while the main body of our army was passing in our rear on its march towards Goldsboro. In the meantime the enemy was not idle; they killed

and wounded a large per cent of our men; in my own company we lost nine men out of thirty-six and all except one were killed or so badly wounded as to be unfitted for further service. It often happens in war that in the greatest battles some of the heaviest losses of regiments, brigades and divisions are no higher in per centage than we suffered here in this insignificant affair; at Gettysburg, while the First Minnesota lost eighty per cent of its men, I knew a regiment that lost none, yet each was equally entitled to inscribe the name of that historic battle on its banners. While this little fight was going on the great battle of Fredricksburg was being fought in Virginia, one of the bloodiest of the war, and although the principal corps engaged, that of Hancock, lost three thousand five hundred men, it is doubtful if that loss amounted to more than twenty-five per cent of the men of the corps on the field; the Irish brigade was, perhaps, an exception for the line of its dead was so close in order that the command was mistaken for a line of living men lying down in battle array. But to return to the Whitehall field. After an hour's fighting we were ordered back; we could get no nearer to the Confederates for there was no way to cross the river. Soldiers dread to be shot in the back so we edged our way out of the timber to the clearing in as perfect a line as it was possible to keep and shortly after joined the marching column that had passed in our rear.

We left four of the men of my company on the field as dead and dropped them from the rolls; afterwards two of them came to life and were cared for by the enemy, but one of them died in a few weeks and I first saw the other again in Massachusetts twenty-nine years later, apparently as young and as sound as ever. We did not hear of the survival of these men

until they had been dropped from our rolls about a year. In one of the companies was a soldier who had gone through all of the hardest and hottest of the Crimean war in Russia as a soldier of the English army, to meet his death on this field. In another a young man received a painful flesh wound where he might have avoided it had he been in a sitting posture, and with a cry of pain declared: "I do wish they would compromise this thing." In my own company was a father and son; the former about forty years old, the latter fourteen years of age. They came to us as recruits and with big bounties, after we had been out a year, and they had a hard road to travel among the vets; but this battle set them all right. While it was always noticeable that some soldiers found it convenient to fall out of the ranks when a battle was near at hand, this father and son had difficulty to keep up with the column at other times but were always in the ranks when the fighting began. After we had fallen back about fifty or a hundred feet from the river and halted the father said to me: "Orderly,"—I was then orderly sergeant—"can't Edwin (his boy) or I go back and try to get another shot?" To go back was certain death at the hands of the sharp shooters and he was denied the privilege. In the spring of 1864, at the opening of the campaign before Richmond, Virginia, the father and son were with the regiment as part of Heckman's brigade in a fight where out of three thousand five hundred men all were lost but five hundred, and the father and son were among the lost; the last seen of them in the smoke of battle they were lying down behind a little intrenchment they had made with their tin plates and cups and the father, with his Yankee twang, was saying: "Neow Edwin you do the loading and I'll do the firing and we'll get along all right." They were

taken prisoners and the father was reported to be shot in nine places and the boy in three; they had twelve wounds in the family. This was the last I heard of them until about twenty-eight years ago down in Illinois a very respectable bright appearing young man approached me with a military salute and called me by name but I did not recognize him until he called attention to my old company and regiment, to the battle of Whitehall and Cole, father and son. He was the son, but not the little stoop shouldered slim fourteen-year-old boy I had known in the civil war.

Let us again return to Whitehall and the march to Goldsboro, which we completed with the destruction of the railroad bridge and tressel work mentioned and turned back to New Berne. In our return march we passed through many miles of burning forest where the danger to our ammunition train and threatened loss of life through its explosion was constant and pressing. The fire was the result of the carelessness of our own soldiers in not extinguishing the little fires they built along the road to make coffee or singe their recently acquired fresh meat.

We had no fighting on our return but the march and bivouac were similar to that already experienced; the last night was bitter cold; the ice freezing about an inch on the water pools through which our march led, one can imagine how comfortable were our quarters on the frozen ground, wrapped in a single woolen blanket with a rubber blanket spread beneath. After our return to New Berne one of the boys of the Ninth New Jersey was telling with considerable enthusiasm of his experience at Whitehall, where that regiment also suffered considerable loss, when a chaplain approached him with: "My young friend were you supported by divine providence?" "No! We were supported by Belger's battery!"

CHAPTER VI.

SOUTH CAROLINA CAMPAIGN

It was not long after our return to New Berne from the Goldsboro expedition that we were ordered to strike our tents and break camp for a move to the vicinity of Morehead City, about forty miles away. Morehead City was a seaport town across the bay from Fort Macon, held by us, and the order indicated a movement with a fleet. We proceeded to our destination by rail and were ordered into camp a few miles back from Morehead, at Carolina City. We have some small cities out here in the west where the ambition to incorporate usually overleaps the village incorporation and lands in that of the city, but we have nothing to rival Carolina City. There was but one house in it, the home of a family named Lamb, where there was an interesting daughter named Mary, the most popular young lady in town. Here we became brigaded with a New Jersey regiment and a couple of regiments from Massachusetts, all pretty well acquainted with the fighting qualities of each other, under the gallant General Charles A. Heckman of New Jersey, whose leadership was worth at least five hundred men on any hotly contested battle field, and this organization continued until at Drury's Bluff before Richmond, in May, 1864, when, "as the advance of the army of the James, on the Confederate capital," as the New York papers of the time said,

“attacked by overwhelming numbers on front, flank and rear, it was then and not till then that the iron men of Heckman’s brigade gave way.” Its general, battery, and three thousand men, out of three thousand five hundred, were lost, and, as General Grant in his report of the war put it, General Butler, who commanded the army of the James, of which it was a part, “was as completely cut off from all further military operations as though placed in a bottle tightly corked,” although he then had about twenty thousand men out of action but ready for it, not far in the rear of this disastrous field, which might have saved the day for the men who were the victims of such merciless destruction. The bottle was the angle between the James and the Appomattox rivers, where Butler’s army lay and the cork was the line of intrenchments and Beauregard’s army from river to river across his front after this battle, which was never drawn until the campaign along the line of the army of the Potomac to the left of that position began in the early days of April, 1865, which resulted in the surrender of Lee and his generals with the fragment of that splendid fighting force, the army of Northern Virginia, which he had led with the genius of a great soldier from Fair Oaks to Appomattox.

Our brigade was not alone at Carolina City. Many others were assembled there and the time was put in diligently with drill and discipline. About the first of January, 1863, we got a hint of what we were there for and shortly after we embarked on transports for Port Royal, South Carolina. Our regiment was assigned to the ship *Morton*, a large sailing vessel which was put in tow of a small steamer at Beaufort harbor and we began our voyage. The ship was from Bath, Maine, and her captain was a

character. When on duty among his men his favorite oath was: "G—d d—n my heart," which he hurled right and left with great vehemence and frequency at his subordinate officers and men, but he never failed to ask a blessing from his place at the head of the table in the cabin at meal times. There was not much sense in his profanity or devotion in his prayer. He had a poor old steward, lean and skinny, and when he got into a genuine mad fit he stood him up and pounded him like a sand bag. Why the old devil was not thrown overboard for this practice was a mystery. Perhaps the steward had been accustomed to it so long that it was indispensable to his well being. Not unfrequently he came out of it with a pair of black eyes which accorded well with his otherwise wretched appearance. His treatment recalls the story of an Irishman whose nagging wife had made life a burden to him. After his death she called him up through a spiritual medium and the following conversation occurred: "Is that you Jim?" "It is." "Are ye getting along as well as whin ye was with me?" "T'in thousand times better." "And where are ye?" "I'm in hell."

In the course of our voyage we arrived off the entrance to the harbor of Wilmington, North Carolina, about nine or ten o'clock at night—the previous voyage of the ship had been from Pensacola to Beaufort harbor where we boarded her. All harbors controlled by the enemy were closely blockaded in those days by fleet and well armed vessels of our navy, and pretty soon one of them came steaming down on us with the challenge: "What ship is that?" The captain shouted: "The ship Morton!" "Where are you from?" "Penseco!" And the rattle of drums on the war vessel told us they were clearing the deck for ac-

tion, but, after a G—d d—n my heart from the captain to soothe his feelings for the blunder of inviting a broadside by declaring he was from "Penseco!" intending Pensicola, towards which we were sailing, he answered "Beaufort!" but the sailors were suspicious and would not take his word for it now for they gave us a looking over before we were permitted to go on our way.

We arrived at Port Royal in due time and were landed on the island of St. Helena, not where the great Napoleon spent his last days, but nevertheless we soon learned we were exiled there for the short comings of some of our troops that had a fight with a negro settlement and cleaned it out and burned its village. On these sea islands there were many negroes who were evidently importations from Africa. They could speak little or no English and were not so gentle and slow to anger as their brethren to the manner born, which was no doubt the cause for the collision coupled with the contemptuous treatment sometimes practiced towards the negroes by our soldiers. Preaching abolition in the North and even shedding tears over Uncle Tom's Cabin did not soften the Northern soldier's heart enough to lead him to tolerate what Miss Ophelia called shiftlessness, or modify to any extent his prejudice against the negro race as he found it in the South, of which he was less tolerant in many respects than the slave masters and their families. General Hunter, in command of the Port Royal district, himself a Virginian, took up the negroes' cause and our men were not allowed, singly or otherwise, to leave the island without a pass from headquarters; usually commissioned officers are allowed to go at pleasure within the picket lines, but that privilege was denied there.

After the campaign closed in North Carolina I, with several other first sergeants, had been promoted to be a lieutenant and it was with much difficulty we could get to Port Royal to be mustered in. We finally succeeded, however. Our muster in was an acceptance of us as officers by the United States and we were thereupon entitled to draw our pay back to the date of our commissions from the governor of the state, which we were not slow to take advantage of, as we had been commissioned for two or three months. We found the paymaster short of funds but he had enough of one dollar bills and twenty-five and fifty cent "shin plasters" to fit us out and as we were hard up we were willing to take almost anything. He loaded us down; we took the "shin plasters" in sheets, like postage stamps; our pockets were filled with the stuff and fingers burning to get rid of it. When loaded down with it we started for "Robber's Row," a string of buildings at Port Royal made up of shops which went by that name. The first shop we went into we spied some fine dress uniform hats rigged out with gold ornaments, ostrich feathers and mixed gold bands and one of the crowd called out "How much for these hats?" "Fifteen dollars." "I'll take two," one for his chum, the other for himself; we were all crowned with them; no beating down of prices in that crowd. With such bargain we fitted ourselves out and proceeded to do the town within the rules of military discipline before departing for our island home on the following day.

General Hunter was senior in point of commission to our commander, Major General John G. Foster, whom we adored, and therefore the latter was the subordinate, a situation he could not occupy under Hunter, so not long after our arrival he returned

to his department of North Carolina and we were left with heavy hearts. Soldiers have a fondness for good leaders that ordinary civilians do not understand. Statesmen do, and therefore the demand for standing armies in monarchies and the opposition to them in republics. How easy it would have been in our civil war for a supremely popular leader to trample the civil power of the republic in the dust, when the feeling ran high that there was too much politics in the management of the army! But enough of this; we loved General Foster and we disliked General Hunter, but we had "to grin and bear" the change. We kept up our drill and discipline and were constantly becoming more effective for active service until about the latter part of March orders came for us to go aboard transports to move on Charleston Harbor, South Carolina. We were glad of the change and not slow in getting aboard ship. Military etiquette placed the officers at the dining table in the cabin on the right and left of the captain of the ship according to rank, and the distribution of berths in the state rooms was also made by rank. I was the junior officer and the berths were exhausted with the last man in rank before me; not to break the order of military propriety I slept on the floor under his berth.

We had a rough sea voyage and stopped at South Ediston Inlet about twenty miles south of the entrance to Charleston harbor, where we anchored a day or two, when we went back to Port Royal and had the good luck to be sent from there to our old commander in North Carolina a short time after; although we learned the order for our return was a mistake and a boat was dispatched to stop us, our steamer did her best and kept out of the way of the messenger.

We preferred to die with Foster, whom we were going to fight for the relief of at little Washington, North Carolina, rather than live with Hunter. About this time an interesting incident occurred near South Ediston Inlet. Colonel McDonald of the Forty-eighth New York was campaigning down there with his regiment and met his brother who commanded a South Carolina regiment. They came together with true Scotch energy, determination and courage and in the battle that followed our McDonald came out ahead. The two brothers looked so much alike that the darbies, who feared the Southern one, would exclaim when our man suddenly came among them: "Fo God dar comes Marse McDonald!" believing him to be the Southern soldier of whose energy and push they had a holy horror.

In the rough and tumble work of the civil war the obligations of religion were not always most conspicuous by the absence of their observance. One of the New York regiments in General Hunter's army in South Carolina had a very energetic, thorough going and efficient colonel, formerly a regular officer, who was always ambitious to make his regiment a model for others. One day a chaplain of a Massachusetts regiment called at his headquarters and reported a very successful revival in his regiment in which twenty-five men had been baptized. At this news Colonel Dandy promptly called his adjutant and gave the following order: "Adjutant, detail twenty-five men of the regiment to be baptized! I'll be d—d if I'll be outdone by any Massachusetts regiment in this brigade!"

CHAPTER VII.

SECOND CAMPAIGN IN NORTH CAROLINA.

On our return from Port Royal, South Carolina, to our old departments in North Carolina we were immediately dispatched to the relief of General Foster, who was besieged by a Confederate force at Washington, in that state, about fifty or sixty miles from New Berne, and the first night out we bivouacked on a plantation in the pineries which covered about fifteen hundred acres, the owner of which, a middle-aged man, was at home in his log house, and when asked how far it was to New Berne, from which we had marched that day, replied: "About fifteen miles I reckon—never was thar." To the inquiry as to how long he had lived there he answered: "All my life."

The next day we pushed on by a forced march and late in the afternoon came to a strong position where we expected to find the enemy, as General Spinola had found him a few days before, but he was gone. General Spinola of New York, who served in congress many years after the war, and died in the harness a few years ago, marched his brigade up to this position where he was brought to a halt by the well directed and destructive fire of the enemy's artillery which commanded the entire front, and the position of which, as well as that of the rest of the Confederate force there, was well protected on the flanks

by a swamp and thick undergrowth. The general retired with some haste, his brigade following, and as the story ran, he became somewhat demoralized and ordered the heavy timber on each side of the road in his rear to be felled across the road to cover his retreat, with the exclamation: "This road must be barricaded be J—s!" It was said that the general wore a very high white collar and beneath his white shirt he wore a red one; that when the retreat ended his white collar was melted down and a red one occupied its former site, and the story went the rounds that he advanced on the enemy with a flag of truce and retreated with a hospital flag. This was believed to be his first experience in the face of an enemy with a large command. We found the intrenchments occupied by the enemy that repulsed him now vacant, and bivouacked for the night in their rear. My company picketed the road leading to the front; we posted three men in advance on the highway under cover of the timber and groups of threes to the right and left on diverging lines running back in the form of a flat-iron to a stream through swampy timbered ground with the rest of the company in the rear as a reserve between the bivouac and the stream, the usual formation under such circumstances. The general commanding had gone out with a troop of cavalry of which we had no notice. About 11 o'clock at night I was visiting the picket posts to see that all was well and had partly crossed the stream on the highway under the shadow of the trees along fallen timber used as a foot-bridge, when I heard the clatter of horses' hoofs as they pounded their way at the gallop towards our front. I supposed it was a party of guerrillas coming down on us to give the pickets a stirring up, but only a solitary horseman appeared in

the clearing about a hundred yards in our front, his horse doing its best. The night was still and the moonlight bright and beautiful, no sound on the silent air save the beating of the hoofs of the stranger's horse as he dashed madly forward with his burden; when sharply the picket's challenge of "Halt! who comes there?" rang out and was almost instantly followed by the shot of the cavalryman at the pickets and theirs at him in reply, as with a wild yell he came on through and down the hill at the foot of which he came to the stream that crossed his path and to the realization of the fact that he was within friendly lines, but not before the long roll was beaten and the thousands of soldiers sleeping soundly on the broad table land in the rear were aroused from their slumbers and formed in regimental lines preparatory to an advance on the phantom foe. The horseman was a cavalry soldier, and the bearer of dispatches from the bivouac of the division commander several miles in our front. No one was shot in the firing but the cavalryman's aim was so good that it grazed a tree within a foot of the head of one of the pickets, while their shots, quite naturally, went wide of the mark out of respect for the courage of the rough rider.

The evacuation by the enemy of the place we occupied that night was an indication that they had got wind of the movement to relieve General Foster and concluded they had a more important field of usefulness elsewhere than on battlefields along the line of our advance, and such we found to be the fact on the day following when we arrived on the ground of the abandoned siege. We had done our best to be in at the death by the forced marches we had made from the landing on the Neuse river, but we could not catch up to our friends of the opposition.

We returned to New Berne where, and at Carolina City, we put in the time with masterly inactivity until about the first of July when the siege of Vicksburg was drawing to a close and the battle of Gettysburg was about to open, when a cavalry raid to be supported by infantry and artillery was ordered in our department. Only part of our regiment was permitted to join this move and my company was not in it but by the kindness of the colonel I was allowed to go as a member of his staff, provided I was willing to walk eighty or a hundred miles to enjoy that favor. We started out along the Trent river early on the morning of the 1st or 2d of July, 1863, and the sun was only fairly up before its scorching rays reminded us that we had no holiday feat before us; we wore regulation caps and a change to most any kind of hats would have been welcome. As we marched along a few miles out of New Berne, our sappers and miners in the lead—men who repaired and built bridges—a negro coming from the opposite direction with an old felt hat on his head and a new straw hat on top of it passed near the sappers and miners when one of them, a big husky Irishman, reached out and lifting the hats from the negro's head, separated them, returned the felt hat to its place and put the straw hat on his own head as a substitute for his cap, which created a laugh and some criticism, met by the captor of the prize, who had not "cracked a smile" with the remark: "Wasn't that fair? Didn't I take wan and give him wan?"

We continued our march to Trenton, about thirty or forty miles out, and to a junction of the "big roads" ten or twelve miles beyond, where we expected to meet the enemy and intercept him in a move to cut off our returning cavalry. We were not disap-

pointed, and here I came in for an opportunity to perform my staff service, for I was permitted to operate in company with others in locating the force we expected to engage and we were not long in doing it and in inviting a sharp attack from its artillery which, among other damages inflicted upon us, wounded both my gallant chief and the horse that often carried him to the battle's front. We accomplished the object of our expedition and retired leisurely to our old field of inactivity to put in the rest of the summer and part of the following fall, when we were ordered to Morehead City again to take a transport for Fortress Monroe, where we shortly after arrived and set out for our destination. We left port on Saturday evening and the next morning the soldiers, who occupied the same deck with the horses of the field and staff officers, discovered a black negro who had been given a lounge in the officers' quarters, the cabin, to sleep on, and the question circulated among them, "What's that d—n nigger doing up there?" The colonel knew him to be one of the leading men of his race in character and ability in the state of Massachusetts, and a minister of the gospel, so invited him to preach to the boys, which he did so effectively as to win their respect and sympathy. He was the chaplain of a colored regiment commanded by Colonel Charles Beecher, a brother of Mrs. Harriet Beecher Stowe, the author of *Uncle Tom's Cabin*. On our way when passing Cape Hatteras, over an unusually quiet sea for that part of the Atlantic coast, during the night we suddenly discovered a light not far ahead and coming directly for us with great speed; it was on a large steamer which seemed bent on our destruction, but our pilot, regardless of the rules of navigation, which were disregarded by the pilot of

the other vessel, sheered our steamer off so that her after part only collided with that of the other craft and we got off with little more than a reminder that we had narrowly escaped the fate of the Monitor that sunk the Merrimac, and which went down in a storm not far from the scene of our collision. We arrived at Fortress Monroe and were ordered with the rest of our brigade, Heckman's, to Newport News and there went ashore, pitched our tents and began preparations to join in the successful advance of the armies of the Potomac and the James which was to reach the citadel of the enemy's power and bring the four years' war to a close with the overthrow of the Southern Confederacy.

Newport News at the time we went there was a mere elevated barren head land on the east side of the mouth of the James river over which a few shanties were scattered, but now it is the seat of a great ship building plant with a capital of fifteen million dollars which employs more than six thousand men; an example of the industries that have sprung up in favorable localities in the South since the irresistible tide of the civil war swept slavery away and gave to free labor a higher plane of respectability upon which to develop the neglected resources of that section.

CHAPTER VIII.

ORGANIZATION OF COLORED CAVALRY.

Late in the fall of 1863 it was rumored at Newport News that Major George W. Cole and Major Jephtha Garrard of the Third New York cavalry would organize two regiments of colored cavalry to be recruited from the slaves within our lines in southern Virginia, and that these regiments would eventually become a part of the regular army. Shortly after this my chum and I, both lieutenants in the Twenty-third Massachusetts infantry, with strong indorsements from the commander of our regiment, presented ourselves to Major Garrard and requested appointments as line officers in his regiment. He treated us and our endorsements with scant courtesy, although the latter were from one of the ablest, bravest and most heroic regimental commanders, Lieutenant Colonel John G. Chambers, who fell mortally wounded at Drury's Bluff a few months later, while leading his regiment in a battle where it was reported of his brigade: "When attacked by overwhelming numbers on front, flank and rear, it was then and not till then that the iron men of Heckman's brigade gave way." Not long after this Major George W. Cole, an impulsive, warm hearted and dashing officer, rode over to our camp and offered each of us a captain's commission in his regiment which we accepted and shortly afterward I received the following order:



COL. GEO. W. COLE, BREV. BRIG. GEN'L.

HEAD QUARTERS DEPT. OF VIRGINIA AND NORTH CAROLINA
FORT MONROE, VA., DEC. 14th, 1863.
SPECIAL ORDERS, No. 147.

EXTRACT.

The following named officers are hereby detailed on recruiting service for the 2nd Regiment U. S. Colored Cavalry and will report to Major George W. Cole, 3rd New York Cavalry, Chief Recruiting Officer. Lt. Robert Dollard, 23rd Mass. Vols. By Command of Major General Butler.

R. C. DAVIS,
Assistant Adjutant General.

Prompt response was made to the order and I was soon engaged at Norfolk, Virginia, in recruiting "intelligent contrabands" to form the Second United States Colored Cavalry in which I was shortly after commissioned as captain. In those days there was so much prejudice against the ex-slave being allowed to lay down his life in the cause of the Union, that was sure to give him his liberty, that white men who accepted commissions as officers in regiments made up of such material were in a measure ostracised by their fellow officers of white regiments, and it was understood that the policy of the Southern Confederacy would be to treat all officers connected with such colored regiments the same as John Brown was treated, on the charge of aiding and abetting a slave insurrection. This threat was never carried into execution, but the policy of the Confederates not to recognize the negro as a soldier entitled to exchange as a prisoner of war forced the United States to oppose that view in justice to the negro and out of this difference came the suspension of exchange and the glutting of Southern prisons like Andersonville with our men.

The camp of our new regiment was located between Hampton, Virginia, and Fortress Monroe, and

it was not long after we officers began recruiting that our services were needed there for organization, for the negroes took to the idea of becoming soldiers so quickly that we soon had our eighty five men for each of the ten companies. To organize them into companies and a regiment was the work of a few days only, but to teach them the drill and discipline necessary for field service was somewhat more difficult. They were submissive and obedient and accommodated themselves to the exactions of the service freely so that at the end of about sixty days we had them in fair shape to take the field. During the process of organization at one time there was a hitch in the commissary department and the men were short of rations long enough to get quite hungry before the necessary supplies were secured and when the bread and coffee without milk or sugar was distributed they made an interesting study as they stood in groups in the company street eating their dry bread and drinking their coffee while they were shivering with cold in the falling snow. From one group I heard, "Dis looks lak home an it feels lak home too." Poor darkies the home they knew must have been desolate indeed.

The First United States Colored Cavalry organized under Major Garrard, of which he became colonel, had commenced its organization a little earlier than our regiment and should have been better prepared for the field when the inquiry came from General Butler about the 1st of March, 1864, as to how soon it would be ready for the field. The answer as reported was unsatisfactory and the same inquiry came to Colonel Cole, commanding our regiment, who replied: "Twenty-five minutes to march and half that time to fight." —G. W. COLE, Colonel.

CHAPTER IX.

SECOND BATTLE OF SUFFOLK.

In response to the report of Colonel Cole, mentioned at the close of the last chapter, General Butler ordered us into the field and we at once broke camp and started for the front near Suffolk, Virginia, where we relieved the Twentieth New York Cavalry from its duty to keep a lookout for the enemy in our immediate front. We had not been there long before General Judson Kilpatrick, who had just completed his raid with a large cavalry force around the east side of Richmond, to Yorktown, came up and took observations of the enemy's location, shook his head and returned. We supposed he contemplated returning north on the west side of Richmond with his command and concluded he would run into a hornet's nest, as we did later. Not long after this the enemy retired from our front and we scoured the country for miles without finding any trace of them, so we concluded they had left. A few days later an old darkey came to our headquarters and reported that there were thirty conscripts taken from Suffolk, about three miles from our lines, and being held at the Bethel Church three miles beyond Suffolk, with a small guard. The darkey had been loaded up with the story to get us into a trap as later developments proved. Not long after his report was made we started out

with seven companies and arriving at Suffolk, Lieutenant Dodge, now paymaster general of the United States army after more than forty years' service, was sent out with his company on the Blackwater road near the location of the church, to cut off the escape of the conscripts as the other six companies which were to march out on another road, came up from an opposite direction to capture them. My company was one of the six, with which was the howitzer section, a battery of two small guns.

We had barely reached the timber which cut off the view from Suffolk, about three miles out, when we reached the enemy's pickets and started two of our companies after them on the gallop while the other companies and the battery kept up their former pace at the walk for a few minutes when a courier from Dodge came galloping up with a message that he was being driven back by a superior force. We instantly reversed the order of our march which brought my company to the head of the column and a message was sent to the two companies pursuing the enemy's pickets to return. As we came out of the timber on our way back to Suffolk we could see army wagons moving toward the town on the road which Dodge had taken and perhaps three miles away from us. This did not look to one experienced in war like a conscript movement and pretty soon we were made to feel that it was not for they opened fire on us with a field battery at long range, the fire of which, though not accurate, was somewhat demoralizing to both the men and horses not yet acquainted with that kind of service. It became a race between our four companies and the enemy as to which side would first get into Suffolk, and the earthworks which two years before had protected our soldiers

against the siege of the Confederate General, Longstreet. The enemy were too fast for us and we were left to confront them from the outside. Company B to which the battery was attached, swung into line in front of a formidable battery of several guns in an old intrenchment and the howitzer's section came quickly into line on the right of the company and somewhat in advance under the direction of Colonel Cole, and at the same time Captain Kent of Company K was directed by him to take the junction of the highway and railroad leading out of town to cut off the advance of the enemy's cavalry and I was ordered to charge them with D. my company. The enemy's artillery was by this time playing on us with canister and solid shot at four to five hundred yards distance, their infantry held in reserve and their cavalry riding down upon us with "the rebel yell." In galloping forward at the head of my company to charge as commanded by the Colonel I thought we could ride against the enemy with such rapidity as to turn them back and they did fall back until Company C. of our detachment losing its organization broke into my command and demoralized it to such an extent as to encourage them to turn on us again, when we came together so that the fight was reduced to duelling at close quarters in which they were too much for us. In this part of the fight Lieutenant Van Lew fell mortally wounded. He and I were but a few feet apart at the time and the only white men in our group of a dozen or two blacks. Most of the men with whom I started the charge fell back, unless unhorsed or otherwise placed *HORS DE COMBAT*, to the demoralized mass created by the loss of the organization of the company referred to. The rest of us got back later as best we could to the main body of our

force. I could not go ahead for the enemy barred the way at ten or twenty paces distance ready to capture me. I could not turn squarely around and retreat without inviting a shower of bullets that would finish my career. So I slipped down the right side of my horse Indian fashion, hanging to the breast strap on the other side and started off towards another part of the field occupied by the enemy's infantry, soon being covered by a tall board fence which stood between me and the advance of the cavalry we had been engaged with, but I made little progress for my horse frightened by a cannon ball which tore through a small dwelling house near by, "bucked," as they say on the plains, shot me headlong to the ground where I lay a few seconds thinking of further operations. My horse ran off toward the enemy's infantry. My men were now nearly all back to the starting part of the charge, the head of the enemy's cavalry not more than twenty yards away, with the fence between us and I was understood not to need any more attention. I was reported in the newspapers as killed but I was never more alive. I soon sprang up and darted through a dwelling house near which I had fallen, and pursued a line of retreat through the infantry and artillery fire of the enemy that kept the house between me and their cavalry. In the mean time Kent had dismounted his company and occupied the house I have referred to with his men to resist the enemy's advance down the railroad which passed near it, but his horses had broken away and galloped to the rear and his men, except two or three who were later surrounded by the enemy and shot as they came out firing, had retreated. Colonel Cole had directed the action of our battery but its ammunition was so poor that its shots fell within fifty or one hundred

yards of the muzzles of the guns, while the enemy's battery which he sought to attack was then four hundred yards away pounding into us on every part of the field. By this time the fight and the flight was general, and the Colonel, like an Irishman at Donnybrook Fair, on his big sorrel horse "Jeff," one of the fleetest in the army, with drawn saber was striking for a head wherever it presented itself on an enemy's shoulders. In one instance, seeing a Confederate ride down on one of our dismounted soldiers whose horse had been shot under him and attempt to cut him down, he dashed forward and a few leaps of his horse brought him to the assailant whom he ran through the body with his saber. As near as we could learn we were fighting Deering's irregular division of infantry, artillery and cavalry, which outnumbered us at least ten to one and, of course, it made short work of us. The fight lasted about twenty minutes, until the two companies sent out to charge the enemy's pickets had time to rejoin us—to save them we were making the fight—when we were driven from the field in considerable disorder, having one of our howitzers blown up and dismounted by the artillery fire after we had retreated a mile or so. We lost one officer and several men killed and wounded; several horses, stands of arms and equipments were also lost, and I think some of us white folks lost our patience with colored soldiers for the time being, yet, considering their bringing up as slaves, and the short training they had as soldiers, they did well to do no worse under the conditions of attack by an overwhelmingly superior force.

My boy, Ben Hinton, a tall broad shouldered bright negro about my age, whom I had as a servant in my old regiment and who went with me as such

into the cavalry service, was at the battle of Suffolk. He had often said he would take my body from the field if I should be killed in battle and send it home to my kindred. At this affair Ben rode my spare horse, caught the one I was thrown from, left the field on the run and only stopped running when he got to Portsmouth, twenty miles away. When he came back I said to him, "Ben I suppose you thought I was killed when I fell from my horse." "Yaas sir." "Don't you remember about telling me that if I should be killed you would get my body and send it back to my friends?" "Yaas Cap'n but when I seed all de res of de niggers running I rec'ned it was time for me to run too." On the evening of the fight one of the men was overheard to explain his operations, he said: "I lost ma horse en was gwine to de rear as fas as ah could when I seed de limber (gun carriage from which the howitzer had been torn by a cannon shot from the enemy) kun'n, an when dat limber kum along whar I was ah got onto dat limber en it didn't make any difference wheder dey said limber to the front or limber to de rear, I stuck to dat ar limber." A wiser man could have done no better. My first lieutenant at this time was James C. Toy, a Marylander, whose father was a slave owner before the war. He understood the negro character well and became very efficient in their management. He was a very cool, deliberate man and noticing one of our company trudging away from the battle field with his carbine and equipments, together with his saddle and other horse equipments, asked him: "Sawyer what are you doing with those horse equipments?" to which the soldier replied "De Capen tole us boys we would be charged on de pay roll wid any quipments we lost and when ma horse was shot ah

took off de quipments an am gwine to save em!" The occasion warranted it and the officer directed the boy, who was hardly more than sixteen years of age, to drop them. In his dismounted condition he would do well to save himself from the pursuing enemy. Another incident of this battle was that of a Confederate soldier attempting to shoot one of my men with a big Colts revolver. He was but a few feet away when he attempted to fire at the man and when the revolver failed to go off as he pulled the trigger he threw it at the man he was attempting to shoot and lodging between himself and the pommel of his saddle he brought it from the field. It had the initials R. D. cut in large letters on the handle. Still another incident was that of a man whose horse having been shot under him was being sabered on the head by a mounted Confederate, but his head was so hard that the saber would not penetrate the skull. I think this was the case where the Colonel sabered the assailant. A few years ago I received a letter from this man, who was at the Soldiers' Home at Hampton, Virginia. He lost the sight of one eye in the attack upon him and was then losing the sight of the other.

After the battle of Suffolk we fell back about ten miles to the head of the Dismal Swamp and scouting on its border with nine horsemen on a trail by which it seemed the enemy might flank us, I suddenly discovered that we were in the midst of the swamp and our efforts to get out seemed to get us in deeper. At last one of our horses sank in a bog and we could not get him out so we left him there, which I much regretted a little later as it occurred to me we should have shot him to prevent his starving to death. After we left him I directed his rider to get down on

his hands and knees and pursue one of the numerous trails that ran beneath the matted undergrowth and were often the tracks made by runaway slaves who had hidden in the swamp. We had no means of knowing whether we were headed in or out of the swamp, which was a vast, apparently impenetrable mass of briars, vines and other undergrowth, as high as our heads when we stood in our saddles; not a sound could be heard to indicate human activity outside of our party, but, luckily, in about a half hour we emerged from the swamp, our horses' breasts and front legs torn and bleeding from the efforts to follow our guide in the path he was trailing. In a short time after we got out we reached our company marching along the highway and in its rear was the horse we had left in the swamp, without either saddle or bridle. He had released himself from the bog and evidently took the back track which we did not have the good sense to understand was the safe and sure way out.

CHAPTER X.

RAID INTO NORTH CAROLINA.

Not long after the battle of Suffolk our regiment was ordered to make a rapid march into northern North Carolina to perform an important service, the secret of which was confined to the Colonel. We started out early in the day and by night fall we were well down in the Currytuck Country, in North Carolina. We marched rapidly all day, and the night following, after stopping for a short time in the evening to feed our horses and give them a little rest. That country was threaded all over with little streams and the culverts through which they crossed the highways were numerous and usually covered with rails thrown across them without being nailed or otherwise fastened down. The leading companies of the regiment usually crossed these culverts carefully and as they kept up the regular marching time after they were over those following had to break into the gallop after crossing to catch up with the consequence that the men soon dropped into the habit of spurring their horses when their hind feet were about to leave a culvert and the starting of the animal to increase his speed sent a rail flying from his heels. This method of procedure soon left the following troopers to leap their horses across the culverts with varying success in the darkness. Another feature of the march was

the way the men's caps were brushed off by the overhanging branches of the trees which lined the roadsides, before they learned the necessity of loosing the strap over the visor and placing it below the chin to keep the cap in place when collisions occurred.

The next morning the marching column was a sight. The horses and the men were covered with a heavy coating of dust, and those who had lost their caps on the night march, and they were numerous, wore nose bags on their heads. A nose bag was a white canvas bag about the size of a fire brigade bucket with a russet leather bottom. If the command had been summoned to take part in a calathumpian exhibition they were well made up for that service. Late on the afternoon of the second day out we returned to our lines after marching, it was said, more than one hundred miles. We heard rumors of a body of the enemy we were to strike on the line of our march and that they got out of our way and let us go around them without a struggle. However that may be it was an unusually exhausting raid to both men and horses and I have always believed that its purpose, although never developed, was highly important in character. Perhaps it was intended to give us a chance to get even on our Suffolk fight.

CHAPTER XI.

THREATENED MUTINY.

A few weeks after the Suffolk affair I was stationed with my company on the highway leading from Portsmouth to that town and assigned to patrol duty, to keep a lookout for the enemy. One Sunday morning two of the men quarreled about something near the quarters and were using loud and hot words towards each other. I stepped out to learn the cause of the trouble and one of the parties, a large man named Worrel, charged the other man with turning his horse out so that he rolled in the garden and was covered with mud, the men generally took good care of their horses, were affectionate toward them and proud of them. I asked Worrel how he knew the man accused turned his horse out and he answered by asking me a question. I replied, "don't ask me a question but answer the one I have asked you." "But I will ask you a question Cap'n," he said, and I ordered him arrested by a sergeant and two men and he armed himself for a fight and said no d—d nigger could arrest him. I drew my revolver on him and directed him to disarm and surrender to the sergeant and file of soldiers who stood ready to take him into custody, which he started to do by laying aside his carbine, but in an instant when I was looking away from him he sprang upon me grasping me around the arms and body. I stooped over to point the revolver to the floor and hold it tightly between my knees that he might not discharge it into me. No sooner had he pounced upon me than a corporal coming hurriedly down the stairway seized a loaded carbine, put the muzzle of it to his side and pulled the trigger, but its failure to discharge saved his life, and the sergeant, following the example of the corporal, pulled

out his revolver and twice tried to shoot him. By this time I had wormed myself loose from him and prepared to give him a punishment he would not soon forget. The reason why the carbine missed fire was a mystery but the revolvers were recently issued and the oil in the tubes on which the caps were placed prevented the explosion of the cap from igniting and exploding the cartridge in the barrel of the firearm. The incident tended to show the intense loyalty of the colored soldier to his white commander. The punishment for Worrel's assault was death but that was altogether too severe, besides it would be a punishment of his family who needed his support. I therefore gave him a physical punishment that did him no injury, but did him lasting good. I wanted to let him go but I could not without losing the necessary control of the men to make good soldiers of them. They were unlike white men. A master spirit had ruled them from infancy like children. A mutiny was started among the men by this time. There were seventy five or eighty of them to two of us white men and they were all slaves less than a year before, and were armed to the teeth, besides there were no other troops within ten miles of us. I ordered all of the men, except Worrel, into line unarmed and the order was promptly obeyed. I then picked out half of them and directed them to arm and equip themselves and report for duty at once; this they did and were posted as needed. I then caused the arrest of two leaders of the mutiny and put them to the same punishment that Worrel was undergoing and order was restored. Worrel after this was one of the most trustworthy and obedient men, but the other two who were punished were never fit for anything but to be drummed out of the service to the tune of the rogue's march and they deserted at the first opportunity.

CHAPTER XII.

PREPARING FOR CAMPAIGN BEFORE RICHMOND AND PETERSBURG.

About the latter part of April the companies of the regiment were ordered into regimental camp from the stations they occupied for patrol and other purposes, near our old camp in the vicinity of Hampton, preparatory to a move on Richmond by the Army of the James, constituted of the Tenth Army Corps commanded by Major General Gilmore and the Eighteenth Corps commanded by Major General W. F. (Baldy) Smith. As General Butler was the senior Major General and in command of the department he was quite naturally in the military order of things the superior officer of the other two generals named and all orders to them from the war department should go through him, but Secretary of War Stanton ignored this rule and communicated direct with the corps commanders. General Butler's headquarters were then at Fortress Monroe, which is located on Old Point Comfort. He at once wrote to the secretary calling his attention to his correspondence with Generals Gilmore and Smith and asking to be informed "whether he was the commander in chief of the department of Virginia and North Carolina or simply mayor of Old Point Comfort."

We were not in camp at Hampton long before we received orders to go up the peninsula as far as Wil-

liamsburg. The Army of the Potomac, under the eye of General Grant, was then about to enter the great battle of the Wilderness in which and the series of battles immediately following before he crossed the James river south of Richmond on his way to Petersburg to "fight it out on this line if it takes all summer," he lost one hundred and nineteen thousand men in killed, wounded, missing and otherwise placed hors de combat, and as we were ordered to march in the direction of his field of operations it began to look as though we would soon have plenty of hot work. We arrived at Williamsburg after a day's march and some of us, who had not enjoyed collegiate advantages, had a chance to go through William and Mary's college—on horse back—the roofs of the buildings had disappeared in the ravages of war. Here too we found the oldest insane hospital in the United States, that General McClellan put physicians in charge of in his campaign two years before, and which was thereafter cared for by the army authorities.

When we arrived at Williamsburg we were brigaded with the First United States Colored Cavalry commanded by Colonel Garrard and the brigade was commanded by Colonel Robert M. West of the First Pennsylvania Light Artillery, who succeeded the late General Charles T. Campbell of this town in command of that regiment. We quartered in the log houses built by McClellan's troops for a few days and then started north on a raid the purpose of which was a secret to all but the brigade commander.

CHAPTER XIII.

AFFAIR ON THE CHICKAHOMINY.

We struck the enemy on the Chickahominy river at Jones Bridge twenty-five miles below Richmond, the second day out, where there was a bridge location but the bridge had been destroyed, and on the opposite side of the river were three redoubts occupied by Confederate troops, said to be Major Roger's Richmond Battalion. Colonel Garrard was ordered forward to attack with his regiment and howitzer battery but his men, except about thirty of them, being armed with revolvers and sabers only, one of our companies was ordered forward to cover his advance as skirmishers which it did in splendid style. The men dismounted and deployed in a line five paces apart across Garrard's front, advanced firing until they came within one hundred and fifty to two hundred yards of the enemy and made it so hot for them as to largely stop their return fire.

While this was going on Lieutenant Colonel Pond ordered my company to dismount and advance as skirmishers to the river on Garrard's right and he went with us. Arriving on the bank of the river, which was at this point as well as the ground we had passed over to get there, covered with sufficient timber to screen us from the enemy, we found no means to cross until a little later I discovered a

large tree which had been felled across the river and used as a foot bridge by the enemy and reported to Colonel Pond with a suggestion that we cross over and flank the enemy out of their redoubts which Garrard was fighting about a half mile on our left. He rejected the suggestion and with a dozen men from the right of the line I crossed over. We could see the enemy's camp and a number of horses through the timber about three hundred yards away and I instructed the men that I would give them the command: "Second battallion charge!" in a loud voice as though we were a regiment of a brigade and we would go for the camp on the double quick, they to keep up a rapid fire in that direction. This move worked all right. We captured the camp and its equipage, and arms and horses enough to arm and mount the men I had with me, and the enemy abandoned the redoubts and fell back to the timber a half mile in the rear. I have no doubt they heard the command for I gave it as loudly as I could and this followed by the rapid firing led them to believe that they were flanked by a largely superior force. I learned later that our brigade commander had concluded that the enemy's position was impregnable at the time we went in and that the noise of the charge was made by the enemy in capturing us.

We shortly after recrossed the river and rejoined our regiment. In doing so we galloped with our captured horses past the First regiment with Garrard at its head and received three hearty cheers from his men "for the boys that routed the enemy." I was then even with Colonel Garrard for the snubbing he gave me when I applied for a commission as a subaltern in his regiment about six months before. However, I was then in good company. A few years be-

fore the war, as the story runs, Abraham Lincoln associated with Edwin M. Stanton, later his great war secretary, was engaged in Cincinnati in the trial of a patent case before Judge McLean of the supreme court of the United States, the step father of Colonel Garrard, and the judge invited all the lawyers engaged in the case, except Lincoln, to dine with him. The affair at Jones' Bridge got into the New York newspapers as something worthy of special mention. As reported it was said that "Captain Dollard's company under the gallant Lieutenant Colonel Pond" etc. etc., swelling the story away beyond the facts; and in General Grant's report of the war it is mentioned as follows: "The Colored Cavalry Brigade under Colonel Robert M. West forced the enemy's position at Jones' Bridge on the Chickahominy river." This reminds me that a distinguished writer, Swift, I think, says "Glory in war consists in one's getting killed in battle and having one's name spelled wrong in the list of casualties."

From Jones' Bridge we fell back to Williamsburg but an order came at once to retrace our steps and join General Butler's army at Bermuda Hundred, on the James river, below Richmond. I was troubled with fever and ague in those days and was unfit to go into the saddle, but a little quinine and whiskey was considered an antidote for ague there then, as the latter is considered an antidote for rattlesnake bites out here in these days, so I resorted to a moderate use of this ague remedy which seemed to straighten me out all right and about 3 o'clock in the morning we started up the peninsula again. I rode a splendid horse which danced along the way for the first twelve miles in such spirit that I suffered the tortures of the d—d from the jolting. I was sick indeed,

and had I consulted my welfare rather than my ambition I should have gone on the sick list and remained in camp instead of going on this expedition, but when endurance and patience were about exhausted I spurred my horse savagely and that led the Colonel, who was strongly opposed to the use of alcohol in any form as a beverage, to suspect that I was influenced by the antidote, and led to an unpleasant misunderstanding between us later in the campaign when reports reached his ears that we young officers were getting indiscreet on social occasions. I shall have occasion to refer to this later. On the first day's march we reached a point near Harrison's landing on the James river where McClellan's campaign of the spring and summer of 1862 was brought to a close, and remained there until the following evening.

CHAPTER XIV.

BEFORE PETERSBURG.

From Harrison's Landing I was ordered to report with my troop to the headquarters of General E. W. Hincks at City Point for duty. We arrived there about 9 o'clock the next morning and Captain Thomas L. Livermore of his staff, ever since the war one of the most prominent and respected men of New England, informed me that the front of the position of General Hincks—he commanded the colored division then—was occasionally annoyed by the enemy's cavalry in small bodies and if I would move out and capture them it would be a feather in my cap. I was looking for feathers in those days and we at once started out to bag the game. We penetrated the enemy's country for some distance to the rear of where they usually appeared and working back to it found we had only "a water haul;" about a couple of hours later we repeated the move and came down upon them with all the speed of our horses, but they escaped us by a road of which we knew nothing, that let them out to the Appomattox river.

General Hincks then advanced toward Petersburg with the purpose of attacking it—this was on the 9th day of May, 1864, eleven months to a day before Petersburg fell and General Lee surrendered to General Grant at Appomattox—my troop led the advance

and following the road on which the enemy's cavalry squad had fled we soon came on a small body of troops in our uniform who challenged us with "Who comes there?" and Lieutenant Peterson, who was in advance with two other men, answered "One of your d—d Yankee nigger officers!" They gave us a volley and we galloped against them to find the Appomattox river below the bluff on which we met them, also the gun boat to which they belonged as artillerymen. The mistake was mutual and neither was the worse for it, except the lieutenant had his cap damaged by a ball which cut its way through it. We then moved up the road toward the enemy's pickets, and exchanged shots with them and returned to take a more direct route toward the center of their intrenched position. My troop now acted as rear guard and in passing the place where we had the affair with our own men I received a dispatch from their captain to General Hincks—the enemy had rushed a light battery down to a point on the opposite side of the river and sunk his gun boat about as soon as he was aware of their presence.

When the head of General Hincks' column reached the road between City Point and Petersburg he turned toward the latter and a little later I found him near Cedar Level, where General Grant had his base of operations a little later in the campaign. I handed him the dispatch from the Captain of the gunboat and asked him if I should go with his column. He answered that I should and to the inquiry as to where I should take my place he replied "In front, sir!" There was a scattering fire going on at the front then as though our troops were feeling of the enemy. I started my command toward the head of the column and as we trotted past the general

and staff, Captain Livermore joined us. We then formed twos and fours at the gallop and made our way at that gait over the corduroy road through the Cedar Level swamp beyond which we were to meet the enemy. I have since learned that the commander of the regiment which was exchanging shots with them reported he had met them in force. But however that may be as we emerged from the swamp we received a volley from the left and several troopers in our front galloped off into the woods toward their fort, on which later was mounted the big gun called the Petersburg Express, by which our people fired a shot into that city every five minutes of the subsequent siege. Lieutenant Peterson with a small squad of men was ordered to look after the fellows who gave us the volley from the left and a corporal and three men sent on the trail after those who retreated in our front, while Captain Livermore and myself pushed on with the rest of the troop to the Petersburg stage road, perhaps a mile or so, to brush away any small parties of the enemy that might be on the Petersburg front, and make plain sailing for our infantry to form line of battle free from their annoyance. On our return shortly after we found our command had been ordered to fall back and later I learned that an order was received as we were ready to go in with good prospects of success, by General Hincks from General Butler, not to attack Petersburg. The corporal and three men I have mentioned pursued the retreating enemy until the fort I have referred to opened with its battery and killed one of the horses that pinned its rider to the earth as it fell, and as the other two soldiers started to run away the corporal drew his revolver on them and brought them back to release their comrade from his dead horse. When he had

accomplished this he mounted the man behind him and rode back leisurely with his companions. This man was named Pierce. He was as black as ink and as good and brave as he was black. He was an honor to his race and very similar to the type Mrs. Stowe had in mind when she wrote the story of Uncle Tom. The shackles of slavery had fallen from his limbs at the bidding of the emancipation proclamation but little more than a year before this event, and in it the first gun was fired from the Petersburg works, while the last gun, that marked a final period for the war, was fired on the 9th day of April, 1865, and settled the question of negro slavery in this country for all time.

A little later we made another advance on Petersburg. The cavalry division of General Kautz led the way and the command of General Hincks followed. I came up with the general in the opening near Cedar Level where we rushed the enemy in the other affair and asked him for orders. "Go to Judd's Hill!" was the response, and supposing I would find the enemy there I followed the trail of the cavalry division until it turned from the direct road to Petersburg near rising ground in front. Here, I suspected, was Judd's Hill and we kept on our march until we reached its crest where I thought it advisable to wait for the general and staff to come up, which they did in a few minutes and we then advanced, as I anticipated, to meet the enemy posted in the road around a curve a short distance ahead, where they had taken their position, no doubt, as the cavalry division ceased driving them backward turned from the Petersburg stage road to the left to attack the works near Cemetery Hill which it carried later. Three times we attempted to charge the men confronting us in the highway without success. It seemed as though the

men's horses could not stand the fire with which we were met for each time we galloped forward they would wheel round and dash back madly to the cover of the bend in the road in response to a volley from the enemy. Thinking they were encouraged in this by their riders, I called for volunteers and one of the men responded "Cap'n dismount us and we'll all go wid you." He was the ugliest looking man in the company but he was a better strategist than I. However, we were mounted and our duty there was to fight on horseback. Soon a line of our infantry advanced and the opposition melted away. Not a horse or man in my company was injured in this affair although shots enough were fired to annihilate us. In the excitement the enemy fired too high—for them. We advanced to the outworks on this occasion but the movement amounted only to an armed reconnoissance.

Shortly after this word came to Redoubt Converse at Spring Hill, on the Appomattox river, where I was stationed, that Petersburg was evacuated and I was ordered to move out the next morning to test the truth of the report. We started at 2 o'clock, Lieutenant Peterson and I and the troop, and made our way toward the enemy's lines by an old nearly blind road with which we had become acquainted while scouting between the lines. It was very dark and we were in danger of ambush. Daylight found us a quarter to a half a mile within the enemy's picket line without being discovered, but we had to make quick work of it. We broke into the gallop and made our way to the place where we expected to cut the picket line and capture it and the reserves behind it. We came onto the reserves while they were still asleep but we gave them a free entertainment which cost one poor fellow

among them his life and another his liberty, but the picket line and the rest of the reserve escaped through the timber lining the river near by. The prisoner informed us that the post had two companies of infantry and a part of a company of cavalry. We fell back to our camp to report and get breakfast. We did not capture Petersburg. It took General Grant with the combined armies of the James and Potomac about ten months in a later campaign to accomplish that very desirable object.

While we were making our way to the front on this occasion in the dense darkness, just before daylight, I kept ahead of my troop a little distance to look out for an ambush, and old Corporal Pierce, whom I have mentioned elsewhere, rode up to me and urged that I go back to the company and let some of the men go ahead, saying: "Cap'n you better let some of us boys go ahead; if we get killed it wont make any difference but if you get killed we all will be lost."

We had not finished our breakfast after our return before a cannon opened on our front about a half mile from our quarters and we were soon in the saddle. The prisoner we had captured told us there was a command of about six hundred Confederate cavalry a few hundred yards back of where we struck their pickets and it was this cavalry that had followed us up with its battery. Captain White of General Hincks' staff had just come to inspect my troop when the enemy opened fire and we parted as he started for the trenches where our artillery was in operation and I crossed the line of fire with my command between the batteries on both sides. We marched at the walk to show the other fellows we could stand such work without excitement and took our place on the extreme

left where there might be use for cavalry. The skirmish lasted about an hour and the attacking force retreated with the loss of several men. We had but one man wounded. At the close of the affair we returned to our stables where we were lined up as Captain White came along, before the smoke had cleared from the field, and I reported to him, "Captain my company is ready for inspection sir." "That is all right Captain I shall give you a good report sir!" And I think he did for the best friends I had in the army, aside from Colonel Cole, were at the headquarters of General Hincks.

The attack made on us on this occasion must have whetted the appetite of the enemy for in a few days they came back with a largely increased force of cavalry and infantry and several pieces of artillery. They posted some of the latter about a mile away directly in front of our batteries and others about a half a mile away on our left front under cover of a belt of timber. With the latter they had some cavalry and with the former both infantry and cavalry and they advanced a body of infantry toward our right front through the timber skirting the Appomattox river on which our right and our line of earthworks rested. We advanced a regiment of infantry to meet this latter force and shelled the rest of it with our batteries, but we could not discover their exact location or the effect of our fire on them. so when the situation was ripe for such a move I trotted out to the front with my troop to feel of them and when on a line with those covered by the timber we galloped forward as foragers in open order far enough to discover their exact location, and we found it, for they opened on us from front and flank and our batteries firing over us answered them. We did not

stand upon the order of our going but went to the rear at once as fast as our horses would carry us, and our artillery pounded them fiercely. An hour or two later I rode out beyond our skirmish line to see if they had withdrawn and stopping under a tree to view the situation the bullets began whistling above my head among the leaves and my horse, taking the hint, ran back with the speed of a deer while the enemy paid their compliments to us with their small arms. The night following they retired. We subsequently learned that they were our old friends who gave us such a drubbing at Suffolk.

In this campaign before Petersburg while my old regiment, the Twenty-third Massachusetts, was battling against a South Carolina regiment of the same number, and both commands were doing their best, the South Carolinians gave way so that our people advanced to the ground occupied by their dead and wounded; here an old comrade of mine, an officer in the Twenty-third Massachusetts, Frank M. Doble, noticing a badly wounded South Carolina officer lying near him and attempting to attract his attention, went to where he lay, bent over him and heard in a whispered voice the word "water;" Doble kneeled down beside the wounded man lifted up his head, and put his own canteen to his lips, after he had satisfied his thirst he whispered "God bless you; take my revolver" and fell back dead. This turns the memory back to the days when the United States government under the fugitive slave law, took Anthony Burns, a fugitive South Carolina slave, through the streets of Boston to return him to his master, the great riot in opposition and the talk later that Massachusetts and South Carolina should fight out the issues of the war.

On the morning of June 15th we were joined by the Eighteenth Corps under General W. F. (Baldy) Smith from General Grant's army at Cold Harbor. It had left us to go to him there and engage in the battle of that name. Our division commanded by General Charles J. Paine joined this corps and "we all" marched on Petersburg. While passing one of the colored infantry regiments of General Paine's division that my company had served with, one of the men called out "Hello dere comes our cal'ry! When you see dat Cap'n pull his hat down dere's suf-fin gwine to be done but ef he don't touch his hat you needn't be skeered he aint gwine to hurt you." I suppose the observation was made because I, like others in the mounted service, was in the habit of pulling at the rim of my hat to secure it on my head when we broke into a brisker gait.

We commenced the battle of Petersburg at the swamp at Cedar Level through which we galloped on the evening of the 9th of May to brush the outposts of the Confederates away and they must have learned a lesson by that experience, for they were better prepared to receive us now. They had a strong battery posted in the clearing on their side of the swamp and compelled a vigorous fight in line of battle to force them back, after which we pushed on and confronted their intrenchments. The battle lasted all day, substantially, and when night closed in we captured their entire position with the artillery that had defended it, including that in the battery into which my old corporal ran on a former occasion. Much criticism has been indulged in since because General Smith did not advance and capture the city that night and something has been said of the intense darkness. I remember distinctly that it was very

dark when night closed in, but shortly after we got into the enemy's works the moon rose bright and beautiful. That night I camped with my troop inside of the intrenchments where the Petersburg stage road entered the enemy's works, and it was said the next morning that after we had captured this part of the line a load of ammunition came out from Petersburg and when challenged by our pickets the driver replied "A load of ammunition for Battery Number Nine." During the night the Second corps, General Hancock's famous command, came up and took position on the left of our army that had fought the battle of the day before and a little after daylight a battery of the enemy opened a rapid and well directed fire on our part of the line and commenced the death grapple that continued thereafter between the army of the Potomac and the army of the James on the one side and the army of Northern Virginia under General Lee and General Beauregard's army on the other, until the end came at Appomattox on the 9th of April thereafter. It was a struggle in the last ditch for the life of the Confederacy.

With the coming of the army of the Potomac all available troops were put into the trenches and unnecessarily mounted troops were dismounted for this purpose. Under this policy we had to give up the horses of our enlisted men and stand ready to take our place in the trenches. My company was sent back to our regiment and one night I was ordered to take one hundred and fifty men to the front along the Appomattox to construct an earthwork. The detail was made up from our regiment and the First United States Colored Cavalry, the detachment from the latter being under the command of Lieutenant Cass. When we reached the place where the work was to be done the

men armed with their firearms and supplied with picks and shovels were strung along the line of the work. It was about midnight, the enemy were on the opposite side of the river within easy sharp shooting distance. Our men would have no cover when daylight came except such as they should furnish with their picks and shovels before then, and Cass, as disgusted as myself with our dismounted condition, called out to them, "Now dig, d—n you, dig or die," and that was their position in a nut shell. It goes without saying that they did not die for the want of industry.

The summer dragged along wearily in the most humdrum way.

CHAPTER XV.

DOING BUSINESS WITH GENERAL BUTLER.

About the middle of August I received an invitation to call on General Butler at his headquarters to answer charges which the Colonel had preferred against me. I reported promptly but he took no notice of me at first, later he turned on me like a mad man and this is what occurred. "You are Captain Dollard are you sir?" "I am sir!" "I have some charges against you sir!" "I am aware of that fact sir!" "You might as well plead guilty sir!" All this time his jaws were snapping like those of a tiger and at a motion from him out jumped an orderly with a box of cigars, one of which he munched voraciously while the interview continued. I had heard of his tricks of intimidation and had come prepared for the reception. He had the power to kick me out of the service unceremoniously but not to intimidate me. I was accustomed to meeting more dangerous men. After he had read the charges and I did not take his advice and plead guilty he seemed to be in a towering rage which I answered by saying "General if I am guilty of those charges I deserve the extreme punishment of the law." "Yes," he replied, "and if you are guilty of these charges you shall receive the extreme punishment of the law and such punishment as I see fit to add for prevarication to the commanding

general. On the other hand if you are not guilty your witnesses shall be punished." I have since regretted that I did not say "I beg your pardon General but you mean my accuser." The general had upset himself instead of me. In military procedures of this kind they sometimes worked like a boomerang. If they did not succeed the accuser got a scoring. I went to Fortress Monroe, stood my trial and was exonerated. Colonel Cole was present and when asked by the judge advocate, Major Stackpole, as to whether I desired to have him asked any questions as to my character as a soldier, I told him to use his own judgment and to the question the Colonel replied, "Captain Dollard is one of the ablest officers in the camp and one of the bravest officers in the field I ever had the pleasure of associating with." This I thought was overdoing it and giving me a measure of credit I did not altogether deserve, but it served to show the high character of the witness. He was interested in the success of my prosecution for he was in line of promotion to Brevet Brigadier General, and was as much entitled to it as some who received General Butler's endorsement after our next battle, but if the prosecution failed he might expect nothing but censure at the hands of General Butler; although as a matter of fact the latter simply passed on my exoneration by saying: "The proceedings in the case of Captain Robert Dollard are hereby approved. Captain Dollard will resume his sword." I had already resumed my sword and fallen in battle before I received the order.

CHAPTER XVI.

BATTLE OF NEW MARKET HEIGHTS.

On September 29th I was assigned to the command of the advance of our regiment at New Market Heights. In this engagement, which on the entire line involved all of the Army of the James north of the James river, we held a position on the extreme right where we had been doing picket duty so close to the enemy that we were on speaking terms. We advanced at 3 o'clock in the morning and the battle opened. After about three hours' work we drove the enemy out of their rifle pits and back a mile or so to their main line, where their line of battle and battery in the trenches had full play upon us at four hundred yards distance in an open field; nothing but our open order prevented us from great slaughter. Regiments in close order immediately on our left lost sixty per cent of their men. Orders came from the rear about this time to lie down and the men dropped, but Lieutenant Jones, who was associated with me in the command, and myself remained standing, he, I suppose, because he wanted to be the last man to drop and I because I thought it my duty as the commander of the men to set them an example of indifference to danger, but neither of us remained standing very

long. Jones dropped and I followed, but I was shot through the head before I reached the ground. I lost my speech and eye sight and was helpless. I was conscious and knew when my line fell back and left me. The position was not an agreeable one as I lay between the contending lines of battle the bullets of both sides whistling above me, the solid shot shrieking as they rent the air and the shells bursting around me. I think it is the historian Gibbon, or Macaulay, who says this is the most painful position one can occupy in battle. However, within a few minutes my eyesight and speech returned, I was discovered by Lieutenant Jones who with four of the men came back and carried me off the field. I thought I had been struck in the head with the fragment of a shell and that my right arm was shattered. After we arrived at the hospital the doctor said I was struck by a minnie ball and my right arm was paralyzed by the shot which struck me on the left side of the top of my head. I was able to get up and to walk with a little assistance after a few hours. and in going to the rear I met Colonel Speer of the Eleventh Pennsylvania Cavalry, an old time associate of our General Charles T. Campbell, whom I have mentioned, at the head of a cavalry brigade and he very kindly ordered one of his surgeons to have me taken to the rear in an ambulance. That afternoon about seven hundred of us who were wounded were put on a steamer and sent down the river to the Hampton Hospital. Poor Jones went through the war without a scratch but was killed and scalped on the trail between Sidney and the Black Hills when the gold excitement was highest in the Hills country.

The following is an extract from the order of General Butler after the battle I have mentioned:

HEAD QUARTERS
DEPARTMENT OF VIRGINIA AND NORTH CAROLINA,
ARMY OF THE JAMES.

BEFORE RICHMOND, OCT. 11th, 1864.
SOLDIERS OF THE ARMY OF THE JAMES:

The time has come when it is due to you that some word should be said of your deeds.

In accordance with the plan committed to you by the lieutenant general commanding the armies, for the first time in the war, fully taking advantage of our facilities of steam marine transportation, you performed a march without parallel in the history of war.

At sunset of the 4th of May you were threatening the enemy's capital from West Point and the White House, within thirty miles on its eastern side.

Within twenty-four hours, at sunset on the 5th of May, by a march of one hundred and thirty miles, you transported thirty five thousand men—their luggage, supplies, horses, wagons and artillery—within fifteen miles of the south side of Richmond with such celerity and secrecy that the enemy was wholly unprepared for your coming, and allowed you without opposition to seize the strongest natural position on the continent. A victory all the more valuable because bloodless!

Seizing the enemy's communications between their capital and the south you held them till the 26th of May.

Meanwhile your cavalry, under General Augustus V. Kautz cut the Weldon road below Petersburg twice over and destroyed a portion of the Danville railroad; while the colored cavalry under Colonel Robert M. West, joined you by a march from Williamsburg across the Chickahominy to Harrison's Landing.

From the 12th to the 16th of May you moved on the enemy's works around Fort Darling, holding him in check while your cavalry cut the Danville road, capturing his first line of works, repulsing with great slaughter his attack which was intended for your destruction.

Retiring at leisure to your position, you fortified it, repulsing three several attacks of the enemy until you have made it strong enough to hold itself.

Fortifying City Point, Fort Powhattan, Wilson's Wharf,

(Fort Pocahontas,) you secured your communications, and have practically moved Fortress Monroe as a base within fifteen miles of the rebel capital, there to remain till that travels. Re-embarking after you had secured your position, with nearly your whole effective strength under Major General William F. Smith, you again appeared at White House within forty-eight hours after you received the order to march, participating at the memorable battle of Cold Harbor with the army of the Potomac, where the number and character of your gallant dead attest your bravery and conduct.

Again returning in advance of that army on the 15th of June, under General Smith the Eighteenth Corps captured the right of the line of defenses around Petersburg and nine pieces of artillery, which lines you have since held for three months. On the 16th of June a portion of the Tenth Corps, under Brigadier General Alfred H. Terry again threw itself upon the enemy's communications between Richmond and Petersburg and destroyed miles of the road holding it cut for days.

The Tenth Corps, on the 14th day of August, passing the James at Deep Bottom under Major General David B. Birney, by a series of brilliant charges carried the enemy's works near New Market and two days later another line of works at Fussell's Mills, defended by the best troops of Lee's army, bringing back four guns and three battle flags as trophies of their valor.

Again crossing the James on the 29th of September with both corps, with celerity, precision, secrecy and promptness of movement seldom equaled, with both corps in perfect co-operation, you assaulted and carried at the same moment,—the Tenth Corps and the third division of the Eighteenth Corps under General Birney—the enemy's strong works with double lines of abattis at Spring Hill, near New Market, while the remaining divisions of the Eighteenth Corps under Major General Edward O. C. Ord, carried by assault Battery Harrison, capturing twenty-two pieces of heavy ordnance—the strongest of the enemy's works around Richmond.

The army thus possessed itself of the outer line of the enemy's works and advanced to the very gates of Richmond. So vital was your success at Battery Harrison that on the 1st of October, under the eye of General Lee himself, massing his best troops, the enemy made most determined assaults

upon your lines to retake it and were driven back with a loss of seven battle flags and the almost annihilation of a brigade—Clingman's. After a week's preparation massing all his veteran troops on his left flank, on the 7th of October the enemy drove in the cavalry with a loss of some pieces of horse artillery, but meeting the steady troops of the Tenth Corps were repulsed with slaughter losing three commanders of brigades killed and wounded and many field and line officers and men killed, wounded and prisoners.

Such is the glorious record of the Army of the James—never beaten in a battle, never repulsed in an assault by a larger portion of its forces than a brigade.

All these triumphs have not been achieved without many loved and honored dead.

Why should we mourn their departure? Their names have passed into history emblazoned on the proud role of their country's patriot heroes. Yet we drop a fresh tear for the gallant General H. P. Burnham, a devoted soldier leading his brigade to the crest of Battery Harrison where he fell amid the cheers of the victorious charge. In his memory Battery Harrison will be officially designated Fort Burnham.

Of the colored soldiers of the third division of the Eighteenth and Tenth Corps and the officers who led them the general commanding desires to make special mention. In the charge on the enemy's works by the Colored Division of the Eighteenth Corps at Spring Hill, New Market, better men were never better led. Better officers never led better men. With hardly an exception, officers of colored troops have justified the care with which they have been selected. A few more such gallant charges and to command colored troops will be the post of honor in the American Army. The colored soldiers by coolness, steadiness and determined courage and dash have silenced every cavil of the doubters of their soldierly capacity and drawn tokens of admiration from their enemies—have brought their late masters even to the consideration of the question whether they will not employ as soldiers the hitherto despised race. Be it so—this war is ended when a musket is in the hands of every able bodied negro who wishes to use one.

In the present movement where all have deserved so well it is almost invidious to name, yet justice requires special

gallant acts noticed. Major Generals Ord and Birney receive the thanks of the Commanding General for the prompt celerity of the movement of their corps, both in time and manner, thereby securing thorough co-operation, although moving over different lines. Their active promptness can not be too much commended as an example in other operations. To be able to move troops in exact time is a quality as scarce as it is valuable. General Ord received a severe wound while directing the occupation of the captured redoubt.

Brigadier General Stannard is particularly distinguished for his gallantry in leading his division in the assault until he lost his arm. The Commanding General takes pleasure in recommending General Stannard to promotion for meritorious services.

Then follows a long list of names of officers and men in the first and second divisions of the Eighteenth corps and the Engineer corps specially commended for their services in that battle. Of the Third—our division—he says:

Brigadier General Charles J. Paine has received the thanks of Major General Birney for the conduct of his division while temporarily acting with the Tenth corps in the action of the 29th of September near New Market.

Colonel S. A. Duncan, Fourth U. S. Colored Troops, commanding Third Brigade, in addition to other gallant services in the field heretofore, fell wounded near the enemy's works. He is recommended to the President for a Brevet rank as Brigadier General.

Colonel A. G. Draper, Thirty-sixth U. S. Colored Troops, commanding Second Brigade, carried his brigade in column of assault with fixed bayonets over the enemy's works through a double line of abattis, after severe resistance. For incessant attention to duty and gallantry in action, Colonel Draper is also recommended to brevet rank as Brigadier General. Lieutenant Colonel G. W. Shirtliff, Fifth U. S. Colored Troops, gallantly led his regiment in the assault of the twenty-ninth, although at the commencement of the charge he was shot through the wrist and again wounded until he received a third and probably mortal wound close to the enemy's works. He has nobly earned his promotion and his

commission as Colonel of his regiment to date from the 29th of September, subject to the approval of the president. *

* * * * * Major J. B. Cook, Twenty-second U. S. Colored Troops, commanding his regiment at the skirmish line, behaved most gallantly himself and managed his men with marked ability in the assault on the enemy's line near New Market. In the attempt of the enemy to take Fort Harrison, he unfortunately fell wounded through his utter neglect of personal safety. He is promoted to Lieutenant Colonel.

Captain Robert Dollard, Second U. S. Colored Cavalry, acting as field officer and in charge of the skirmish line in the assault on New Market, September 29th, inspired his command by his great personal bravery, coolness and ability until he fell severely wounded near the enemy's main line. He is promoted to Major.

First Lieutenant Henry Peterson, Second U. S. Colored Cavalry, is promoted to a Captaincy for gallantry and ability in conducting his company at New Market on the 29th of September, and for meritorious conduct in field and camp.

Here follows a long list of names of officers and soldiers commended for their courage and service.

The Commanding General is quite conscious that in his endeavors to put on record the gallant deeds of the officers and soldiers of the Army of the James he has, almost of necessity, because of the imperfection of reports, omitted many deserving of mention; yet, as these gallant men will on other occasions equally distinguish themselves, they can then take their due place in their country's history.

By Command of Major General Butler,

ED. W. SMITH,

Assistant Adjutant General.



MAJ. ROBERT DOLLARD.

CHAPTER XVII.

GENERAL BUTLER. RETURN TO ACTIVE SERVICE.

During our service with General Butler many stories were told of him. On one occasion a young lieutenant came to his tent and found him sitting in his large arm chair made of weather beaten lumber. He asked the general: "Can you tell me where the mustering officer's tent is sir?" The general, pointing over his shoulder with his thumb, said: "It is over there." A little later the lieutenant returned and hailed him with: "Say! I wish you would show me where that mustering officer's tent is sir." Butler got up, stepped out of the tent and pointing to that of the mustering officer replied, "There's the mustering tent sir. Now are you aware of where you are?" "Yes, I am at General Butler's headquarters." "Yes, these are General Butler's headquarters, and hereafter you'll not mistake the throne of grace for an intelligence office." On another occasion an officer who was court martialed for drunkenness on duty was found guilty of being as drunk as a beast. In passing upon this the general said "This is evidently a mistake as beasts do not get drunk." The general was pushing the Dutch Gap Canal through a neck of land in the James river to cut off six or seven miles and avoid a battery in case of a naval advance on Richmond, which he expected to have completed be-

fore the close of that year, and a certain court martial during the summer, long before the close of the year, condemned several soldiers to work in the gap for a term of years. What the general said to this when asked to approve the proceeding has never gone the rounds. He probably did full justice to it.

After I became convalescent from my wound I was detailed for general court martial service for the Army of the James at Carroll Hall, Fortress Monroe, where I had my previous experience, and became the senior member of the court aside from its president. A leave of absence followed and I went back to my home in Massachusetts after an absence of more than three years in active service. About Christmas I returned to my regiment in the field before Richmond, and being the senior officer present assumed command of it which I continued until the close of the war and later.

After the battle at New Market Heights an Irishman named Callahan, who had distinguished himself by his courage, came to us as a lieutenant on the order of General Butler. Callahan borrowed a horse and equipments shortly after he joined us and began the time of his life calling on his old friends where the commissary flowed freely. One morning he said to his captain's cook, an enlisted man: "George, the captain is in command of the regiment and he put me in command of the company. If I'm in command of the company tomorrow morning I'll have me breakfast at 8 o'clock and I'll have beef steak, do you mind." "Yes lieutenant, but where'll I get the beef steak?" "D—l, d—n do I know, you'll get the beef steak or I'll put you to duty in the ranks, and be d—d to yes." Callahan lived high for a short time but he was never commissioned. General Butler con-

cluded he could serve his country best in his old place as sergeant.

We were frequently entertained during the latter part of the winter of 1864-5 by the batteries on the opposite side of the James river and their gun boats which threw shot and shell into our camps, but aside from this there was little activity. Toward the close of the winter our regiment was ordered to Norfolk, Virginia, to occupy its defensive line and there we remained until the war closed. During this time Colonel Cole made the following recommendation to the general commanding the Army of the James:

HEAD QUARTERS SECOND U. S. COLORED CAVALRY.

CAPTAIN SEALY, A. A. G.

CAPTAIN:—

In compliance with circular 49, War Department I have the honor to recommend (by requesting examination) Major Robert Dollard, Second U. S. Colored Cavalry for Lieutenant Colonel Second U. S. Colored Cavalry, in place of Lieutenant Colonel Pond (if mustered out on disability as applied for); also I would recommend Captain A. G. Lawrence, Second U. S. Colored Cavalry, to be promoted to Major in place of Major Dollard (if he is made Lieutenant Colonel Second U. S. Colored Cavalry) for conspicuous gallantry at Fort Fisher, he at the charge having lost an arm and being otherwise severely wounded, being the first man to raise our colors. (Vide Brigadier General Ames' Report.)

With sincere respect, yours &c.,

GEO. W. COLE,

Col. 2nd U. S. C. C.

This recommendation was approved by General Graham but was returned by General Gordon his immediate superior, a West Pointer, with the endorsement that "when official information is received that Lieutenant Colonel Pond has been mustered out this

a position on the stage, while the actresses connected with the theatre, dressed in sailors' uniform, waved the flag above his head he had done so much to honor, as the female voices sang and the orchestra played the Star Spangled Banner.

Lieutenant Colonel Mann, of the Thirty-ninth Illinois, who was on crutches at the time, from a wound received not long before in front of Richmond, was prominent in the management of the affair. Colonel Mann will be remembered by his old comrades in this state as a gallant soldier, and by the people in the northern part of the state as one of the founders of the Gettysburg settlement. He was the sole delegate from Potter county to the Huron constitutional convention which assembled on June 19th, 1883, at that place. At the close of the reception we all had an opportunity, in passing out of the theater, to shake hands with the Admiral and I do not think an assemblage ever went through that kind of an experience where the hand and heart was more in harmony than on this occasion.

CHAPTER XIX.

THE MONROE DOCTRINE.

During the administration of President Monroe there was a move on the part of some of the European nations to aid Spain in subjecting Mexico, Central and South America to her authority, and the president communicating with the powers that contemplated the move made known the fact to them that the United States would regard such interference as unfriendly to its government. The view of our government was that the people of America should work out their own state problems free from the interference of Europe. The objection prevailed and it has ever since been known as the Monroe Doctrine.

While the war of secession was going on and we had about all we could attend to without insisting on the recognition of this doctrine, England, France and Spain invaded Mexico for the purpose of compelling the payment of debts to their subjects and when the object of the invasion was accomplished England and Spain withdrew but France, under the leadership of "Napoleon the Little," as he was sometimes called, induced Maximilian, the brother of the present Emperor of Austria, to assume the rulership of Mexico as its Emperor and he acted as the head of that nation, as far as the guns of his troops would reach, from the time of his establishment on the throne until after our civil war was ended and he was abandoned by Louis Napoleon and betrayed into the hands of the enemy by his troops. Immediately af-

ter the close of hostilities the attention of our Government was given to the Mexican situation and troops in large numbers were ordered into western Texas as an army of occupation, whether to drive Maximillian out of Mexico, if the moral effect of their presence in Texas did not have that effect, was never known, to the public at least.

One of the armies destined for this service was the Twenty-fifth Army Corps consisting of about twenty thousand infantry, colored troops, commanded by Major General Godfrey Weitzel, and the colored cavalry brigade commanded by Brevet Brigadier General George W. Cole the regiments of which were the First United States Colored Cavalry commanded by Colonel Jephtha Garrard, the Fifth Massachusetts Cavalry, colored, commanded by Colonel Charles Frances Adams and the Second United States Colored Cavalry commanded by myself. These troops were being organized into brigades, divisions and a corps near City Point, Virginia, about the time of the great review in Washington of the Army of the Potomac, the Army of the James and Sherman's army. Colonel Adams was a great grandson of one president of the United States, the grandson of another and his father was minister to England during our civil war period and it used to be said in those days that the greatness of his ancestral line would completely eclipse his future, but, while he has not distinguished himself in the field of politics after the manner of his ancestors, in the business world and as a broad minded high class citizen his life has been a credit to the family name. The corps and brigade referred to were industriously drilled and brought up to a high standard of both drill and discipline preparatory to their transfer to the field of operations in Texas.

CHAPTER XX.

OFF FOR TEXAS.

About the middle of June, 1865, under orders to go on board the ocean steamer H. S. Hager lying in Hampton Roads I embarked at City Point, with ten companies of my regiment, which now contained twelve companies, on river steamboats in the department quartermaster's service. When we arrived off Fortress Monroe we learned that the H. S. Hager was at Portsmouth taking in coal and, as before stated, the boats we were in being in charge of the quartermaster's department, proceeded to Portsmouth with us where we landed on the dock at which the Hager was coaling—when a vessel makes a sea voyage loaded with troops the commander of them is the commander of the vessel for all purposes except its sailing operations; for these the ship's captain retains his command.

At Norfolk on the opposite side of the river from Portsmouth the commissioned officers were paid but the enlisted men were not. This created some dissatisfaction which was added to by reports that a five years flag to keep the men in service for that period would be raised when we got out to sea and they would be taken south to raise cotton to pay the national debt. I had placed a guard around the location of the soldiers to prevent straggling and man-

aged to keep them in good order until the middle of the afternoon of our arrival but when I attempted to march them on board the vessel they mutinied, breaking out in yells of defiance and secretly discharging their fire arms. There were seven hundred and sixty-seven of them armed with carbines and they had twenty rounds of ammunition to the man, while I had but thirteen white officers to control them. I sent for the first sergeants of each of the companies and learned from them the stories about the five years flag and being taken south to raise cotton to pay the national debt and I told them to return to their companies and tell the men these stories were false and I would pledge my life that the government would keep faith with them, not use them to raise cotton or keep them over the three years they had enlisted for, and that they might be discharged before their term of service expired. This brought about half the regiment on board the vessel for assignment to quarters. The men were all personally respectful to the officers who went among them but the ties of discipline were otherwise broken.

The following evening I called on General Graham, who commanded at Portsmouth, and asked for assistance to quell the mutiny. He told me that Major Cunningham, the provost marshal, who had one hundred and thirty men, would give me all the assistance I needed. I informed him that I did not think one hundred and thirty men could quell the mutiny, that there would be trouble if it was attempted and that if he would send the Thirteenth New York Heavy Artillery and Captain Morton's battery of his command over there I thought we could manage the situation. He turned to a staff officer and directed him to order Lieutenant Colonel Walsh with

the artillery regiment named and a section of Captain Morton's battery to come to our relief.

The next morning I was up at daylight and met Colonel Howard of the Thirteenth, who asked me, "Are you the Major in command of these troops?" and I informed him that "I was in command of them sir." "Well," said he, "your first duty when going on board ship is to disarm your men." He ranked me or I should have told him I thought he was an ass. I did not want to be ordered to consider myself under arrest for conduct disrespectful to a superior—God save the mark. He made a speech to the men and ordered me to say something to them which I did in the way of reasserting my belief in the government's dealing with them in good faith. I had been an enlisted man and I knew the duty of obeying orders and tried to live up to it and I confess that the argument I would then have preferred to see used against the mutineers was that of the artillery with its discharge of canister. But I was young and hot headed and the course we pursued was better. Colonel Howard declared to the men as he left us that if they did not go on board he would soon be back with a long tail and shortly after that he marched his regiment along our front, unfixed bayonets and ordered his men to prime preparatory to firing. At this the hundreds of my men who were on board the vessel ran down its gangways to the wharf with their arms and equipments and the situation seemed to be assuming a serious aspect when the artillery came on the ground. The situation was this. On the rear of my men, who were now all on the dock, was the Elizabeth river and the Hager which was tied up to the wharf; on the other side was the large artillery regiment, on another side was the deep water way of the Nor-

folk and Portsmouth ferry, and on the other a canal crossed by a bridge commanded by a section of the battery. The argument was conclusive and the mutineers went on board the ship promptly without the firing of a gun.

After they were all on board General Graham called me ashore to learn whether I could control them and I told him I thought I could. So we cut loose from the dock on his order and started down the stream. Several shots were fired from the forward part of our ship as we dropped down the river and two horses and a negro woman were reported wounded. We anchored off Fortress Monroe where we received our provisions for the trip to Brazos Santiago, Texas, on the Gulf Coast, and put down our wind sails to give the troops fresh air below decks. After we had been off the fort a day or so and long enough for the men to cool off and repent their folly, I directed the commander of companies beginning with those best under control to move their companies two at a time to the sides of the upper deck facing inward. After the first two companies were thus placed I directed the arrest of any member of them whose carbine was found to be loaded, or who was known to be a leader in the mutiny, and directed them to expend all their ammunition by tossing it behind them into the sea. By this procedure, with the admonition that no man would be permitted on the upper deck armed during the voyage except with side arms when on guard duty, the ten companies were tamed down and this was followed by seizing a large amount of ammunition found stowed away in the men's quarters which they had stolen from our reserve supply of two hundred and fifty thousand rounds, which later I had stored beneath our cabin

with a hint, overheard by some of the troops, that if any attempt should be made to take the ship when we were out to sea, as had been threatened, the ammunition would come handy to blow her up. In the round up I had thirty-one prisoners which I confined in the "coal hole" at the bottom of the vessel; this cooled off the mutiny to the point of denial on the part of the men at liberty that they had had any connection with it. After we arrived at Brazos Santiago, I turned the prisoners over to the proper authorities, ten or a dozen of them were court martialed and received various sentences from confinement in prison for a term of years to death, but those condemned to death had their sentences commuted to life imprisonment. Those not court martialed were given their liberty.

CHAPTER XXI.

SERVICE IN TEXAS.

The mate of our vessel told me on the way down that Brazos Santiago was a delightful place, and we were expecting to find beautiful cottages, and lovely señoritas filling the air with delightful music, but these features were missing. General Sheridan came there later and when he went back to his headquarters at New Orleans he was asked how he liked Texas and answered that if he owned Texas and h—l he would rent out Texas and go to h—l. That's the kind of a place Brazos Santiago, Texas, was at that time. While at Brazos we had to haul water for drinking and cooking purposes ten or a dozen miles from Clarksville, at the mouth of the Rio Grande, in barrels in the ends of which an iron spindle was fastened so the men could put ropes on them and pull them down the beach at low tide like wheelbarrows, but this inconvenience was soon overcome by our location at Clarksville, and shortly afterward a large part of our regiment was detailed to build a railroad from Brazos to Brownsville, the first railroad built in western Texas.

During the following winter quite a large number of soldiers of fortune who had served either in the United States or Confederate armies during the war gathered along the Mexican frontier, par-

ticularly near Bagdad at the mouth of the Rio Grande, and at Matamoras thirty miles above, and about 3 o'clock one morning under Major Thomas Sears, formerly of the Fourth New York Artillery, fifty or more strong, crossed the river at Bagdad, where four hundred of Maximillian's troops and four pieces of artillery were located. To the Mexican challenge "Quin vive," they replied with a fusillade and in less than a half hour they were in possession of the town and the place being in a state of anarchy was occupied by a regiment of our troops a short time after to be surrendered to Colonel Garcia of General Escobeda's staff later. Escobeda was the general who captured Maximillian a year or so after.

During the occupation of Bagdad by the soldiers of fortune large quantities of merchandise were transferred to our side of the river and for the want of recognition by our government of Maximillian's power were turned over to the treasury of the United States. The town was deserted by its people shortly after the attack and they came over en masse to Clarksville, and had many interesting stories to tell of their experience. One of them was from Victor Du Prat, one of the toughs cleaned out of New Orleans by General Butler during his administration of the affairs of that city. Du Prat was a saloon keeper and was engaged at cards in a gambling game when the attack was made. He immediately blew out the light—they did not use gas—and in the darkness he and his companions divided the money that was put up in the game and parted. On his way out Du Prat encountered by a negro soldier took a silver dollar out of his pocket and handed it to him saying "Here boy take this pocket piece." The negro took the dollar and with a chuckle called out "Go down

deeper dar." Lieutenant Sin Clair, formerly with Captain Semmes on the Alabama, the terror to our commerce which well nigh swept it from the seas during the civil war, was one of the leading soldiers of fortune who participated in the Bagdad raid. He had been appointed admiral by President Juarez, who was cooped up near El Passo, in the northeast corner of Mexico, but he had no flagship until the Bagdad raid and frequently spent pleasant hours with myself and other officers of our regiment. Out of the Bagdad affair he came with his flag flying over one of the finest boats on the Rio Grande river, which he said, was ballasted with wine and cigars, that he generously invited his friends to come aboard and test the virtue of.

Soon after this we who were only soldiers woke up to find our occupation gone, for in February we were mustered out and permitted to return to our homes, and the most amazing feature of this war experience is how "we all," Union and Confederate soldiers alike, nearly four million of us from first to last, dispersed in the body of our civilization without any apparent detriment to its character. Coming up the Mississippi river on my way home we fell in with a Frenchman from New Orleans and he expressed himself bitterly against General Butler and his administration of the affairs of that city. One of the party suggested that there was no yellow fever there when Butler was in command. "What!" said the excited and indignant Frenchman, "Do you think God has no mercy? General Butler and yellow fever at the same time!"

After the war period and while the general was in congress, I wrote him asking his endorsement for a place in the public service and he replied:

MY DEAR MAJOR: I wish I had the influence to obtain for you such a place as you deserve but alas! I have not. You may use this note if occasion serve, as the fullest recognition of the value of services and well deserving in the field.

Yours truly,

BENJAMIN F. BUTLER.

He was then engaged, or about to engage, in the prosecution, as one of the managers of the impeachment of President Andrew Johnson and it was hardly surprising that he did not have much influence with his administration and lucky for me that did he not.

A story went the rounds after General Butler left New Orleans that a couple of planters visiting there during his administration noticing the prominent advertisement on a dead wall, "Buy your shirts at Moody's," were puzzled, and commenting on its meaning they came to the conclusion it was "another one of that fellow Butler's outrageous orders" and the best thing they could do to avoid trouble was to go to Moody's at once and buy a couple dozen of his shirts.

Among the slanders on the General's administration in the Crescent City was a story that he stole the silver spoons of its people and his answer to that was: "People talk most about what they have the least of." When in congress after the war he had a tilt with Congressman Bingham of Ohio, whose course in a matter relating to Mrs. Surratt, hung for complicity in the assassination of President Lincoln, he severely criticised; Bingham, referring to the spoon story and General Grant's report that General Butler, at Bermuda Hundred, was as completely cut off from all further military operations as though placed in a bottle tightly corked, came back at him with: "Such ideas could only come from a man who has been corked up in a bottle and fed with a spoon."

CHAPTER XXII.

GOING WEST TO GROW UP WITH THE COUNTRY.

Our return to New England and its hum drum life, I imagine, produced about the same mental condition as characterize those negative inmates of Dante's Inferno who can neither get into Heaven nor into Hell. We were like fish out of the water. We must go somewhere to again be somebody. I say "we" I mean my chum and I. We had practically served together throughout the war, so we turned our faces westward intending to go to the new West and grow up with the country. Chicago was our objective point as I informed quite an intelligent friend of mine, a "Judge." "Chicago!" said he, "why that's the place where you can bring the water to the surface of the earth by kicking a hole in it with the toe of your boot!" and he was not very far behind the times either in this notion. We started for the West in May, 1866, spent a short time in Chicago and drifted down to Galesburg where we went into business together. At the end of six months my partner came to the conclusion that I didn't know anything about business and I had the same opinion of him. As army officers we had been the best and most harmonious of friends but as business men we were the poorest of partners. So we quit each other and I went South intending to locate near San Antonio, Texas,

and make a fortune in sheep during the next ten years. I abandoned this project after arriving at New Orleans and returned to Illinois in about a year determined to fit myself for the legal profession which I had an inclination to next after that of the profession of a soldier and I commenced practice in the spring of 1870.

My business extended to Knox, Peoria and Fulton counties, Illinois, and while not overburdening me with its financial proceeds gave me some interesting and amusing experience. One day shortly after I opened an office a mover of buildings came to me saying "You are a young lawyer and need experience. I have a little case and am willing to risk a suit and pay the costs if I get beat. But I can't afford to pay attorney's fees. If you want the case you can have it." I agreed to this proposition and he brought suit before a justice of the peace for \$2.50, the amount he claimed the defendant owed him for one day's use of ten jack screws. The defendant appeared on the return day and secured a continuance for a week at the end of which he returned with his lawyer, a Mr. Robinson, and we went to trial with a jury which disagreed and the case went over for another week when the defendant not only returned to the battle on time with his former counsel but also had one of the most successful practitioners before a justice of the peace in that part of the country added to his legal staff. I saw I was in for it. I had no time to fool away on self consciousness and if I ever tried a case well it was the struggle to get a verdict for that \$2.50, and I got it. The defendant followed this with the arrest of my client for perjury and his prosecution was decided malicious and the costs taxed against him. He now had a case that he needed an experienced

lawyer to manage, so he went to the county seat, Aledo, and retained Judge McConnell to bring suit against his prosecutor for \$2500.00 and the last I heard of it he had a verdict for \$1500. Years after, I was stumping the central part of this state for the republican ticket and ran onto a Judge Robinson of Highmore, when it developed in our talk that both of us had lived at New Windsor, in Mercer county, Illinois, where I tried the jack screw case, and I mentioned it to him. "I remember that case" said he, but I never knew until I learned from Lieutenant Governor Hindman, who had been treasurer of Mercer county, that the Judge was the lawyer Robinson who opposed me in its trial.

In the spring of 1873 the Grangers were in politics. Our election for circuit and supreme court judges in Illinois was coming off in the early part of June of that year. The Grangers met in convention at Princeton, loaded with anti-railroad sentiment and hostility to the Dartmouth College case, decided by the supreme court of the United States many years before, in which a law in the nature of a charter on the acceptance of the benefits of which private capital was expended, was held to be a contract entitled to the protection of that clause of the United States constitution which prohibited any state from impairing the obligation of a contract. Judge Lawrence, one of the ablest and most conscientious of our very able supreme court judges, was a candidate for reelection and A. M. Craig, a prominent lawyer of Knox county, was nominated against him by the Grangers on their platform. The lawyers of the district—supreme court judges were elected from and by the electors of districts—were quite unanimous against him irrespective of politics, as they regarded

the decision of the Dartmouth College case, in which Daniel Webster made one of his greatest efforts, as settling the question against the right of a legislature to fix maximum rates for the carriage of freight and passengers. Judge Lawrence had a short time before written the opinion of the court of which he was a member declaring that it had power to prohibit extortion and unjust discrimination, and, as I remember it, that this was the limit of its power. Mr. Craig was elected and one argument used to bring about this result was that if Judge Lawrence was so preeminently qualified for his office it was the part of wisdom to elect a new man to take his place as he might die and his successor should be preparing himself for that time. It was even reported that the associates of Judge Lawrence talked of resigning when he was defeated, but Judge Craig was a man of good hard common sense, horse sense as he would say, without vanity, unless it was of the character of Diogenes, and he donned a suit of blue jeans and took his place among the other judges as though he was to the manner born, and soon became one of the best and most popular members of the bench, on which he served twenty-seven years. About the time of his nomination he tried his last case; it was before a justice of the peace and I was opposed to him and came out ahead. I do not mention this to shine by his reflected light but as an incident showing how we new comers at the bar in those days in our struggles to stand alone sometimes ran up against the ablest members of the bar in the court of a justice of the peace.

Writing of the supreme court of Illinois reminds me of a story about Abraham Lincoln and that court, which I ran onto somewhere twenty-five or thirty

years ago. Lincoln was attending the court and had so recently been beaten by it in a decision handed down that his defeat was yet fresh in his memory. At that time Judges Breese, Caton and Skinner constituted the court and talking together of the places of their nativity discovered that they were all born in Oneida county, New York. Lincoln joining them a little later was told by one of them that they had discovered the remarkable fact that all the present judges of the court were born in the same county in the state of New York. "What county is that?" asked Lincoln. "Oneida county," answered the judge. "I always thought this was a One-idea court," said Lincoln.

Before the civil war the case of the Chicago, Burlington and Quincy Railroad vs. Hazzard went to the Illinois supreme court. Hazzard was a lawyer with an extensive practice and had sued the railroad company for damages in throwing him from one of its trains by carelessness and injuring his legs. One of the alleged errors was excessive damages, and Judge Breese in delivering the opinion of the court said that there was nothing in the record to show that the appellant's negligence had injured the appellee so that he could not yet "Scale the heights where fame's proud temple shines afar." Reduced to plain fact, that a lawyer could as well practice law without legs as with them. It is said that a Chicago lawyer now needs legs more than brains. Since the Hazzard case Judge Stipp of Princeton, Illinois, had a case before the supreme court in which his client had lost his toes by a railroad company's negligence, and referring to that case said "The remarks of the learned judge in Chicago, Burlington and Quincy Railroad Company vs. Hazzard do not apply to the case at bar.

My client can no longer scale the heights where fame's proud temple shines afar for the reason that by the negligence of the defendant he has lost his claws." Judge Breese was then chief justice.

In the early days of Illinois Justin Butterfield, another New Yorker, was an eminent and eloquent lawyer at the bar of that state. Before the United States court at the first capital of the state, Judge Pope presiding, surrounded by the elite and beauty of the female portion of the community, Butterfield was engaged in the defense of the Mormon prophet, Joe Smith, and he opened his case with: "May it please the court and gentlemen of the jury I appear in the presence of the pope, surrounded by the angels of heaven to defend the prophet of the Lord!"

Julius Manning was a brilliant luminary in the array of legal talent in Illinois before the civil war. On one occasion he was making a most eloquent appeal before the circuit court at Monmouth, Illinois, in behalf of an unfortunate woman who had lost her character for virtue, and turned toward her with the expectation of witnessing her sobs and tears but she was asleep. Instantly he faced the jury with: "Gentlemen of the jury she sleeps the sleep of innocence."

In that section of the country was a prominent pro-slavery democrat named George Charles; he was quite an able man and a republican in everything but on the negro question, such as tariff, national banks etc. On one occasion when Judge Craig was prosecuting attorney a negro was tried for grand larceny, and the theft and the negro's confession of guilt were established beyond doubt. When the jury came to vote on the question of guilt or innocence it developed that there were eleven for conviction and one for acquittal and the one was George Charles. When

asked the reason for his verdict he replied: "There's no evidence of the guilt of the defendant except the confession of that d—d nigger and I wouldn't believe a nigger any how."

One of the justices of the peace of our section, Mike Welch, meeting Judge Craig in company with another lawyer told the following: "Craig is a great man. He came up to my place wun time to thry a case and he brought Squire Massey wid him in the buggy from Knoxville, fourteen miles away. He took a change of venue from me and he thried to convince me that I had no right to sind the case to Squire Warner, the nixt nearest justice in the township, because Squire Massey was the nixt nearest justice."

Squire Welch was himself something of a character. One day he was jogging along the road to town and a neighbor desiring to ride with him came out and trotted along in his rear hailing him with: "Mike! Mike! Mike!" to which the dignified judge paid no attention. Finally the man nearly breathless caught up with him and broke out with "Why the d—l didn't you stop when I called to ye?" to which he answered, "Why the d—l didn't you call me Squire Welch?"

Another character who exercised concurrent jurisdiction with Squire Welch was Mike Conner. Mike was a bright hot headed fellow with a keen sense of justice. A brother of Squire Welch once brought suit before him to recover several young cattle the title to which was in dispute between him and the defendant. The defendant was a Pennsylvania Dutchman and he did not relish the idea of a trial before an Irish justice. So he made the usual affidavit that he believed the justice was so prejudiced against him that he could not have a fair and impartial trial.

Mike read the affidavit with tears in his eyes. "Well," said he, "if that man believed that its mighty rough on me." Then, instantly, "but if he didn't its a d—n sight worse on him;" and the change of venue asked for was granted.

In another case pending before Justice Conner the defendant's attorney made himself very disagreeable to one of the plaintiff's witnesses by pointing his finger at him so close to his nose when he cross examined him as to threaten a collision. The attorney for the plaintiff protested and threatened to throw a copy of the revised statutes at him if he continued the practice, and at last hurled it at his head, where it landed with considerable force. The question arose as to the duty of the justice in the premises and the offending lawyer told him he could be fined not to exceed five dollars for contempt of court. "Show me that law," said Mike, and, becoming satisfied of his authority, he fined the lawyer who threw the book three dollars and the other five.

Another interesting judge in that region was Andrew J. Coykindall. He was in the habit of going barefooted in warm weather but he always gave a good reason for his verdict when he served on a jury and therefore he was recommended to the county board of Knox county for the appointment to a vacancy in the office of police magistrate and held the office later by election. "Jack," as he was called, was once engaged in performing a marriage ceremony and this was the form of it. "Will you —— take this woman for your lawful wedded wife and will you promise to love and cherish her until death does you part?" "I will." "Will you —— take this man to be your lawful wedded husband and will you promise to love and obey him?" "I will."

"Then I Andrew J. Coykindall, by virtue of the power and authority vested in me by the commission of the governor of the state of Illinois, do pronounce you man and wife, and may God have mercy on your souls."

"Jack" was in the habit of calling on me to answer legal questions that had been put to him and if he had answered them incorrectly he explained the situation later by telling the party that the way he had stated it used to be the law but it had been changed by the reversed statutes. Police magistrates had jurisdiction in Illinois before the adoption of the constitution of 1870 to the amount of five hundred dollars and continued to exercise it until the courts held against them. A suit was brought before "Jack" to recover for the destruction of bricks in an old well that belonged to the plaintiff and had been filled with dirt by the defendant and for strawberry plants plowed up by him. The bricks were proved to be worth about fifteen dollars and the strawberry plants several hundred. I was for the plaintiff and the court took the case under advisement at the close of the trial. A friend of mine later learned that he would give us pay for the bricks but not for the strawberry plants. It was a "speck" case. The attorney's fees depended upon success and the plaintiff was not good for the costs so when the case was called for judgment we dismissed it at the plaintiff's cost before the court rendered its decision. The defendant's first name was Andrew and when "Jack" next met him he said "Andy it was lucky for you that they dismissed that case. If they hadn't dismissed it you'd had to pay for them brick as sure as God made little apples."

Simeon P. Shope of Lewiston, Fulton county, Il-

linois, was an eminent lawyer in that part of the state thirty years ago. Later he became a circuit judge and still later a judge of the supreme court of the state and he was a very bright and interesting gentleman. He is still in active practice in Chicago. He was uncompromisingly opposed to the saloon business and only in the prosecution of such cases would he appear in a justice court. He came up one day to appear before "Jack" in such a case. Jack was an earnest temperance man and a teetotaler. My partner and I appeared for the defense but between Mr. Shope and the justice we were badly beaten in short order. The next time Mr. Shope came up on such a mission we called a jury of twelve men and the fight lasted about a week. The saloon prosecuted was called a club in which each member interested claimed an interest and therefore the right to claim exemption from testifying against a member on the ground of a tendency to criminate himself, all witnesses called being members of the club. So all pervading had the claim become that one of the witnesses who rolled from a bench in the court room on which he was reclining in a dozing condition exclaimed as he struck the floor "Claim the protection of the court!" In this prosecution the defendant was found guilty of violating the city ordinance in a single instance and fined twenty-five dollars, but eventually discharged on a writ of habeas corpus. We understood Mr. Shope had a "speck" fee in this case, based on the measure of his success. After this he severed his connection with this branch of the practice.

I think the most serious position I ever occupied in my professional experience occurred at Galesburg in the first term of court held in that city after the county seat was moved there from Knoxville in 1873.

No court house had yet been provided but the city gave the use of a hall with seating capacity for fifteen hundred to two thousand people as the court room, which was filled with an audience that had been listening to a great murder trial just closed. I had brought suit for a client who had been run over and his leg broken. The action was against the father of a minor son who did the injury, which fact was disclosed in the declaration as well as the facts that the son was under the control of the father who owned the horse the boy was riding when he ran my client down and that he knew the horse was often ungovernable. My declaration was plentifully sprinkled with saids and aforesaid, but it was nevertheless good as the court finally held. Opposed to us was Mr. Curtis K. Harvey of the firm of Craig and Harvey, one of the brightest young lawyers I ever met, and the way he read the declaration and held it up to be laughed at in arguing his demurrer to it nearly melted me down with humiliation. To save my life I do not think I could have risen to my feet to reply, although talking had been as easy to me as for water to run down hill. I could stand up to bullets but not to ridicule. In both respects I have since changed. Associated with me was George W. Kretzinger, now of Chicago, and for many years general counsel of the Monon Railroad Company, and he successfully disposed of Mr. Harvey's speech, which there was an excellent opportunity to do by reading the declaration so as to eliminate the ground for ridicule on the "saids" and "aforesaid," and thus show that the trouble was with the defendant's counsel and not with the declaration "he did not know how to read."

In the political campaign of 1896 I made a few speeches in Knox county. At one of the meetings in

a country school house in a "Pennsylvania Dutch" neighborhood it was called to order by a lord of the soil with "Schentlemens you vill come to order and all who ish in favor of Mister Vay for chairman vill say I" and following the response, "Now all who ish in favor of de oder vay vill say de same ding." Mr. Way was unanimously elected.

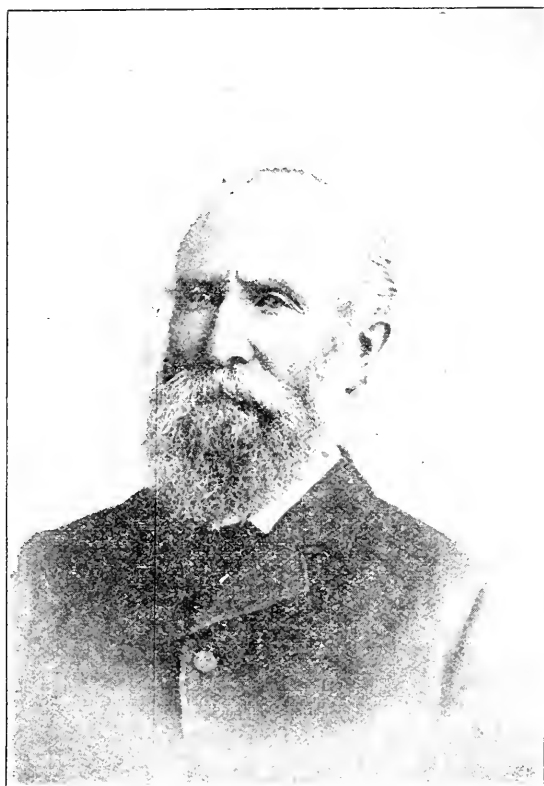
I was out one night with a brother lawyer in the same business not far away from the "Pennsylvania Dutch" settlement and we were returning about 11 o'clock through a belt of timber that lined a stream leading into the Illinois river bottom when not far away in the brush came the most unearthly scream I ever heard. It frightened my horse, a thoroughbred, and she broke into her speediest gait to get us away from the locality. We did not know what the animal was but suspected it was a panther. In those days one occasionally roamed through the timber in that region under cover of the night's darkness. We were not looking for that kind of game.

CHAPTER XXIII.

IN THE LAND OF THE DACOTAHs.

In 1878 I traded for a quarter section of land in the south part of Dixon county, Nebraska, as boys trade jackknives, "unsight and unseen," and in the following spring I came out to see what kind of a prize I had drawn. Meeting a Wisconsin man in Iowa who was coming up to the southern part of Dakota Territory I joined him and we came to Yankton about the middle of April.

At the time we arrived in Yankton the settlements of the territory of Dakota were chiefly confined to the south eastern counties as far north as Hutchinson and Turner, a strip along the east line of the territory forty to fifty miles wide, a few settlements along the Northern Pacific railroad as far west as Bismarck and the settlements of the Black Hills. The total population of the territory as shown by the census of 1880, was but one hundred and thirty five thousand one hundred and seventy seven. A day or two after our arrival my new-made friend, his brother and I left Yankton for a trip up the James river to look over the public land in the vicinity of Milltown. On our way up the stage road we made General Campbell's place on Dawson Creek, now adjoining Scotland, for dinner. I had never known the general before this meeting, but I learned in the course of our conversation that he organized and took to the field



GEN. CHARLES T. CAMPBELL.

the First regiment of Pennsylvania Light Artillery, subsequently commanded by Colonel Robert M. West, my old friend and brigade commander before Richmond, Va., in the spring of 1864, and it was not long before we felt that we had known each other from the outbreak of the civil war, and here I turn aside from my Milltown journey to pay a tribute to one who in his way measured up to the class of which it has been written of a member,

“Nature made but one such man

And broke the die in moulding Sheridan.”

I quote from an article contributed by me to the Monthly South Dakotan of October, 1901.

In 1863, Brigadier Charles T. Campbell, who after gallant and meritorious service in the army of the Potomac in its campaigns from Yorktown to Fredericksburg in which he had been several times severely wounded, was assigned to duty in the Northwest, and in going north from Yankton in that year crossed Dawson creek about a half a mile below Scotland, and noticed there an ideal location to start out with the future civilization of this part of Dakota.

Later, in 1870, the general located near the scene of his observations and * * * not long after his location he secured the establishment of a postoffice, called Scotland, on his claim. He was himself a worthy descendant of the clan Campbell and none braver or bolder ever met a foe in deadly encounter. Following his settlement, as I am informed, he procured the survey and location of a stage road from Yankton by the way of Scotland to Firesteel, near the present site of Mitchell, and established a stage line on it with Scotland as one of the stations, which soon became known far and wide among the traveling public from the striking characteristics of its hospitable landlord. It is perhaps proper to add here, in illustration of his pioneer spirit, that he ran the first stage line from Yankton to the Black Hills; a picture of the four horse loaded coaches, of which, standing

in the snow in front of the St. Charles hotel in that city, as they were about to start on their perilous and problematical journey, hung for many years in the parlor of the Campbell house.

The general had an abiding faith in the location of a town at or near his Scotland home, and in 1879, when wagon surveys were being made west by Firesteel, Rockport and Milltown, for the Chicago, Milwaukee and St. Paul Railroad Company, he wrote to Alexander Mitchell, the head of that system, with whom he had been acquainted since the days of his army experience, as to the character of the country in Hutchinson, Bon Homme and Yankton counties, and suggested the building of a line through there. Mr. Mitchell replied, thanking him, saying he would send a corps of engineers out to look over the ground and asked him to accompany them. In due time the engineers came, the general took them over the country and the road was located, and shortly after built, from Marion Junction to Running Water, and the town of Scotland, taking its name from the postoffice, was laid out so as to take the older Scotland into its embrace. The general built the first hotel here worthy of the name, and ran it for several years; it was known as the Campbell house, and so strongly did he impress his individualism upon it that although many years have passed since he left it, and his name has disappeared from the mansard roof where it was painted, it is still known as the Campbell house, and promises to continue so until the traditions of General Campbell shall no longer be remembered.

The Franklin County, Pennsylvania, History says of the general and his ancestral line:

'Captain James Campbell, a refugee from Scotland after the Stuart Rebellion of 1745, was a captain of horse belonging to the House of Argyle. Joining the fortunes of the Pretender, his lot was cast with him, and after many escapes, succeeded in making his way to America. He settled among the Indians, at the spring on the turnpike road leading to Bedford, near Campbellstown, and erected the

same stone house that stands there now upon the rocks above the spring. This was about the year 1750, the date of the deed from Thomas Penn and Richard Penn to James Campbell. His son, James Campbell, was a captain of the Pennsylvania line during the revolutionary war. His brother Thomas was also a captain, and was taken prisoner at Fort Washington. He laid out the town of St. Thomas, or Campbellstown, as it was generally called. His son, James C., grandson of the first James Campbell, the father of Charles T. Campbell, was a soldier in Davis' Mounted Rifles under General Harrison at the battle of Tippecanoe and the Thames. Was also a member of Captain Culbertson's company at Baltimore.

'The three James Campbells all died on the old farm on Campbell's Run, and were buried in the old Presbyterian graveyard near Mercersburg.

'The great grandfather of General C. T. Campbell on his mother's side and his grandmother Poe's side, was General James Potter, of the revolutionary war, his grandfather, Captain James Poe, being married to General Potter's daughter.

'James Poe was captain of the Third company of Colonel Abram Smith's battalion of Franklin county. Lieutenant Thomas Poe, son of Captain James Poe, and uncle of General C. T. Campbell, was killed at Lundy's Lane, was adjutant of the regiment which went from Franklin and Cumberland counties in the war of 1812, under Colonel Fenton. He was buried on the American side somewhere by his comrades, but no monument marks his grave.

'General Charles T. Campbell was born August 10, 1823, on the Campbell farm near St. Thomas. Franklin county, Pennsylvania, was educated at the Chambersburg Academy, the military school at Bedford and lastly, at Marshall College, Mercersburg.

'At the breaking out of the Mexican war, he entered the service at Washington, D. C., was appointed a lieutenant of infantry, United States army, and assigned to the Eleventh regiment, was ordered on recruiting service to Chambersburg, Pennsylvania,

and went with the regiment to Mexico as first lieutenant of company B. In August, 1847, he was promoted captain of company A. of the same regiment. This regiment was disbanded, after the war, at Fort Hamilton, N. Y.

‘When news came to Chambersburg of the firing upon Fort Sumter, the first train to Harrisburg took with it General Campbell and several other patriotic citizens, to urge upon the governor of Pennsylvania the necessity of immediate organization of volunteer troops for our own protection. The governor authorized General Campbell to organize and equip a battery of horse artillery, which was successfully done in about ten days. This battery was the same commanded by Captain H. Easton on so many bloody fields during the war.

‘The legislature authorized the recruiting of a regiment of eight batteries, which General Campbell superintended at Harrisburg, Pennsylvania. When complete, on the 4th day of August, 1861, the regiment was mustered into the United States service, and ordered to join the army of the Potomac at Washington, D. C.

‘At about this time General Campbell was commissioned colonel of the regiment. The batteries were scattered and only three out of the eight were together in McCall’s division. General Campbell served in this division as chief of artillery, until March, 1862, when he was appointed colonel of the Fifty-seventh Pennsylvania Volunteer Infantry, a rifle regiment in the Third Corps, First Division, or better known as “Kearney’s Division,” which had a character for never going back or getting out of ammunition. Campbell was severely wounded at the battle of Fair Oaks, left on the field for dead, and until brought into camp late at night, it was so reported.

‘November 29, 1862, he was appointed brigadier general, by special request of General Hooker, General Berry, General Birney and General Sickles, the corps division officers of Hooker’s Grand Division.

'He was severely wounded in the battle of Fredericksburg, December 13th, which unfitted him entirely for field service, having received during this campaign and on the Peninsula seven wounds. After partially recovering from his wounds, he was ordered by General Halleck on duty until the final muster out of the general officers, in January, 1866.'

A contributor to 'Short Stories of American Soldiers and Sailors' wrote of General Campbell a few years ago:

'General Campbell is now nearly seventy years of age, but still delights to edify his old comrades with tales of warfare learned in the stern realities of the wars through which he has passed. Like Hayes, Heintzleman, Hancock, Reynolds, Humphreys, Coulter, Meade, Beaver, and a host of other heroic Pennsylvanians, he was a hard fighter but fashioned in a generous mold. He was one of the men who quit fighting at the close of the war, and today is proud of the national greatness of our whole country—proud of its progress and proud of the more than Spartan heroism displayed on more than two thousand battle fields by Americans from the north, south, east, and west.'

Referring to incidents relating to the general and others, he said:

'The incidents herein narrated in themselves are not exciting * * * yet they recall feelings of brotherhood and remind us of Bayard Taylor's lines:

'The bravest are the tenderest,

The loving are most daring.'

A correspondent of the Sioux City Tribune several years ago wrote of him:

'There is not an old resident of the state who does not know General C. T. Campbell, a resident of Scotland. He stands out alone as one of the most peculiar and unique characters in the state. He is a man with a history. He followed the fortunes of Scott's army in the Mexican war * * * and fought side by side with Jefferson Davis, Lee, Pillow, Kear-

ney, Grant, and others whom the rebellion made famous. It is almost a pleasure to hear him swear. At times he becomes eloquent when things do not suit him, * * * with all his oddness he is big hearted and kind and companionable. When General Campbell passes away South Dakota will lose one of its greatest historical characters and the state a good citizen. It is proper to add here that in the Mexican war he participated in General Taylor's campaign on the Rio Grande, beginning at Palo Alto and ending with General Scott at Molino Del Rey and Chapultepec.'

Probably the name of no resident of the state or territory is connected with more spicy stories than that of General Campbell, and among them are the following:

After the close of the Peninsula campaign of 1862, in which he was badly wounded, as he used to tell the story on himself, Thad Stevens, then leader in the lower house of congress, who had been the general's friend from boyhood, asked President Lincoln to promote him to brigadier general, and Lincoln replied, 'I have more brigadier generals now than I know what to do with;' but Stevens still urged the promotion on the ground that General, then Colonel Campbell, was so badly wounded that he could not recover, and he wanted him given some recognition before his death. 'All right,' said Lincoln, 'If he's going to die I'll promote him,' and he shortly after became a brigadier.

While the general held a position as Indian inspector in the territory in the later sixties, he was elected to the legislature and, on account of his holding a federal office, Bligh Wood contested his seat. General Todd, our first territorial congressman, was General Campbell's lawyer, and lawyer and client did not always get along together harmoniously; sometimes the profanely harsh criticisms of the latter would fall mercilessly upon the devoted head of the former. One night after such an experience, when General Campbell had retired, General Todd came to

his room at the hotel, rapped energetically on the door until asked from within, 'Who's there?' The answer came, 'General Todd.' 'What do you want?' 'I want to come in.' General Campbell got up and opened the door and General Todd stood before him with a bottle of champagne under each arm and said: 'General Campbell, you insulted me today, and you can have a drink out of neither of these bottles unless you apologize.' An apology was in order before a motion to adjourn and the rules were not suspended to avoid it.

On the first Fourth of July in the life of the town of Scotland the general, mounted on his big sorrel horse and looking every inch a general, marshaled the country people in column to celebrate the occasion. They were mostly 'Russian-German' men and women dressed in the costumes of the old country and at their head rode the general as an inspiration. The night before there had been a heavy rain and the marchers were often ankle deep in mud, but, nothing daunted, they followed their leader through street after street until he halted them at the speaker's stand where, after an address by the late Hon. Phil. K. Faulk, the general enlightened them in 'Pennsylvania Dutch' as to the meaning of the occasion, and from that time forward the Fourth of July has never lacked intelligent and enthusiastic observance by our German fellow citizens of the Scotland neighborhood.

A story has often been told how on a certain occasion in the early days the general had skirmished around and procured a small turkey for his hotel guests, but there was not enough for all, and, finding a conspiracy had been entered into by them to call for turkey which he could not supply, that he checked the conspiracy with: 'Some of you — blankety blank, etc., must eat roast beef, there's not enough turkey to go around,' but the truth is that his friend Harry Wynn of Yankton, a brother Pennsylvanian, was one of the guests, and having no end of confidence in the gentlemanly, self denying instincts of

Pennsylvanians, when the general found the turkey would not hold out, he whispered to him: 'Harry, by —, the turkey wont go around, you must eat roast beef.'

When Rev. Dr. Carson first came to the territory the general met him at the depot, and learning upon inquiry who he was exclaimed: 'By —, I'm a Presbyterian,' and he was, except in religion. * * *

The following is taken from a story told by Hon. Moses Armstrong through the St. James (Minn.) Gazette, of his campaigning in Dakota in the early days for a seat in congress as its delegate. He visited the general at his ranch up the Missouri river, and at the meeting, while the latter was making a speech of welcome, some one on a back seat shot off his hat, but he went on speaking bare headed and 'finished with fiery eloquence.' The band then struck up and played a lively tune for the Indians, who pronounced it 'heap noise, plenty brass, big thunder drum.' Armstrong then called the general aside and intimated that when the next shooting scene was to take place he would retire to the side wings of the stage for prayer and inspiration; that he did not come up there to be shot at; that he came to catch ballots, not bullets; to which the general replied: 'Now. M. K., don't be a — coward; I brought you here to show these democratic hyenas the kind of stuff you are made of. If you show the white feather you are a dead duck with this crowd. You should have done your praying before you crossed the county line.'

'You must bare your breast and tell them to shoot.
And you'll get the vote of every galoot.'

While the general was keeping the Campbell house at Scotland, one evening a guest told him he wanted to leave on the train the next morning at 2 o'clock. The general sat up all night to be sure of calling him in time. When called, the traveling man finding it was raining said, 'I guess I wont go, general.' 'I guess, by —, you will,' replied the latter. 'Get out of here before I wash the sheets of that bed with well water.' And he left in a hurry.

On another occasion, at the hotel, a question was up between two of his guests as to certain phases of the civil war and the general modestly ventured a suggestion, when one of them turned on him contemptuously with, 'How do you know? Who are you, anyway?' and was promptly answered with, 'Read the history of your country, — you, and find out.'

A few years before the general's death, Rev. Eberhardt, who had been chaplain of his regiment and parted with him in the field near Richmond in 1862, and whom he had never since seen, came to Scotland to visit him. The reverend gentleman found the general at his old home on Dawson creek and was at once recognized without an introduction. After they were seated for some little time, the general, gazing intently and affectionately at his old comrade, said earnestly: 'I am glad to see you;' then after a pause: 'By —, I AM glad to see you.' And that he was no one who has had like experience will doubt.

When the country tributary to Scotland was filling up with settlers many of them put up at the general's hotel and on one occasion the house was so full that he could not accommodate all of his guests with beds; one of them thus situated came out of the dining room after supper and said to the general: 'Say, can't you give me a bed?' 'No,' said the general, 'I am sorry, but as I told you before supper, the rooms are all occupied and the cots engaged.' 'Well,' said the guest, 'I shan't stop here the next time I come to town.' Said the general, looking sternly at him over his glasses, 'That'll break me up.' To which the guest replied: 'I did not have a very good supper any way.' By this time the guests within ear shot, forty or fifty in number, became interested and were looking for the general to put a finishing touch on the situation which he did with: 'If you don't like your supper you can throw it up.'

Once the hotel took fire in the second story and the general soon put in an appearance with a shocking volume of eloquent profanity. The fire was burning in one of the rooms of the girls connected

with the house, among them 'little Annie,' a girl who had lived in the general's family for a long time, and was caused by their carelessness; the house was in danger of destruction with about all of the general's belongings, but, turning he saw Annie crying bitterly and tried to console her with: 'Don't cry, Annie, don't cry, let the — hotel burn down and we'll build another one.' And this was the true General Campbell. God bless his generous soul! Lion hearted as he was he would rather see his hotel and its contents reduced to ashes than witness the tears of that little girl.

When I turned my attention to General Campbell we were on our way to Milltown, which we reached that evening about dark. On the road up there, about ten or fifteen miles out, we came upon what appeared at a distance to be a long line of Indians and a nearer approach disclosed the fact that it was made up of freshly arrived German Russians and their families in their Sunday clothes scattered along the creek where they had so recently located that piles of lumber and sod that were to be used in constructing their habitations marked their different settlements.

At this time the north half of Hutchinson county was known and recognized as Armstrong county; although the legislature of 1879 had consolidated it with Hutchinson county it was still doing business at the old stand, Milltown its county seat, where filings on government land could be made. On the evening of our arrival at this metropolis we put up at the Walters House, a very hospitable inn but somewhat below the standard of first class hotels in the state now-a-days. To wake the guests in the morning a fire of twigs and a bunch of hay was built in the parlor stove, the pipe of which ran up through the sleeping rooms where it was unjointed; at least that was the practice the morning we were there.

The day following our arrival we went west about sixteen miles and located "six" claims, a homestead, or a pre-emption, and a timber claim for each of us. Two of us settled on claims just over the east line of Douglas county. I held on to mine and the pre-emption of the other settler was abandoned. The place where we located was a solitude; look away as far as the eye could reach across the blackened plain over which the fires had swept and consumed every vestige of vegetation and not a sign of life was visible, outside our party, except two or three antelope that took good care to keep a safe distance from us. To abandon my home in Illinois and a living business at a bar which contained some of the best lawyers in the state, to engage in farming in this desolate and apparently God forsaken region looked foolish indeed, but I was pursuing an idea that I had long entertained. The men who had served the Republic in other wars before that of the rebellion had been given a land grant or a land warrant for their services and it was provided by law that any honorably discharged soldier of the Union should have a credit for the term of his service, not to exceed four years, out of the five years residence required to procure a homestead on the public lands. I had served nearly five years and throughout the war, and here was a chance to practically come into the ownership of one hundred and sixty acres of government land as the soldiers of previous wars had been given an opportunity to do. The land when proved up on would not be worth the sacrifice, labor and expense it cost to take it, but the desire to get a soldier's homestead could not be measured in dollars and cents.

After we secured our filings I returned to Illinois, closed up my business there and got ready to begin a

residence on my homestead, which I did the following fall. I hired five acres to be broken on each of my claims, and a house to be built. I took an old soldier from Illinois out with me the next spring and he was so useful and handy that he was called my man Friday. If we needed a house built, and we soon did as the first one was but a claim shack, he built it. If we needed meat he would soon produce it, if it could be found on the prairies or in the heavens above. He was a dead shot. When it came to farming he could spin the finest theories I ever listened to. He explained that we could take off two of the wheels of our lumber wagon and put them on an axletree under which we could attach the breaking plow and our three horses would walk right along with it. Later it didn't work that way.

I shipped my horses and other belongings out in 1880, and Friday had charge of them. He had the transportation for the car and I bought a ticket to ride with him. We went from the starting point to Chicago over the Chicago Burlington & Quincy road and there we had to have our car switched over to the Chicago Milwaukee and St. Paul road, but how was I to get transportation! There was no ticket office in the vicinity of the freight train yards. The reason why I went with Friday instead of going on a passenger train was that I had a little black and tan dog that was so fond of me that I feared he would grieve himself to death if I sent him by express, and when the situation was explained to the yard master by Friday he was at once furnished an engine to go up to the passenger depot and buy me a ticket. It occurred to me that that was mighty kind and accommodating.

We left Scotland as soon as we could unload our

car and store the goods we could not carry with us, and we had a very heavy load, including breaking plow and lumber enough to make the roof for the necessary stable for our horses. We had to go thirty five miles north west of Scotland, Friday leading with the loaded team and I following with the horse and buckboard, and the little dog. The close of the first day found us but seventeen miles out where we put up for the night with a German Russian farmer named Adam Kayser in his mud house, and we were given the best he had for a small consideration. Four or five years ago I passed his place and he had one of the best and most artistic homes I have seen in the state. The next day we pursued our journey until we came to a dry run which we attempted to cross but our hind wheels went down to the hubs and it looked as though there was no way out but to unload. However, a young German Russian woman came to our relief with a yoke of oxen, directed us to take our horses out of the way and let her hitch the oxen to the tongue. We obeyed orders and after she had her ox yoke ring secure on the end of the tongue she started ahead with a rope around one of the oxen's horns and called "coom" and they did "coom." They hauled that wagon with its thirty five hundred pounds of freight out on high, dry and solid ground as though it was empty.

The following day we reached home, sweet home. It was a space dug in the hill side about ten feet wide and twelve feet long. Half of it was in the side hill and the other half was walled in with sod. It had a good board roof covered with tarred paper, a good door and a half window. As a starter it answered very well for the head of the family. It had no spare rooms in it but I commenced my residence there the

fall before and woke up one morning to find the bed covered with a half foot of snow which was a reminder that the holes on the north side must be closed up for the sake of comfort. We soon had our stable built and commenced farming operations. I planted potatoes on breaking of the year before, but I did not get my seed back. We set out some trees and blackberry plants and they were even less of a success than the potatoes, but we sowed five acres of oats and the same of wheat and raised a pretty good crop of both.

After we got our crops in we were ready to build a house and inquiry developed the fact that we could buy lumber cheaper at Menno than at Scotland, ten miles nearer, so I went to Menno for a load of boards, joists and shingles. This was all we needed in a pretty good dwelling house in those days. It was the longest forty miles I ever traveled, and when I got into the Wolf creek Mennonite settlement, of which I had never heard, I was suspicious that I had been hoodooed or that either they or I had been transformed in some way after the manner of the leading character in Ignatius Donnelly's *Doctor Huguay*, but I got through all right and loaded my lumber and started back. I had a five gallon can of kerosene and a box of crackers on my load and when I came to something that threatened disaster I generally took them off before I advanced and this I did when I attempted to cross a creek in which we stuck until hauled out by the ever present German Russian and his yoke of oxen. This time he hitched on ahead of my horses and all pulled together, It had been so long since I had used a team that I had forgotten how to chain a wheel to go down hill safely and on my way into the James River Valley near Milltown the load was too much for the horses and we landed among the rocks

by the road side with some damage to the running gear of my wagon, but as all things must come to an end I arrived home at about 11 o'clock at night, and learned a few days later that I bought my lumber at Menno of the same concern I had previously bought of at Scotland.

We built our house ten by sixteen on the ground with a lean-to ten feet wide and sixteen feet long and we were considered aristocrats, particularly by such people as had a stable for their horses and lived under their wagons, the openings at the sides and rear end of which were sodded. And the kind of living in which we then indulged was productive of much comfort and contentment. We had but few neighbors and I think we all felt as rich and independent as was good for us. No "crooking the pregnant hinges of the knee that thrift might follow fawning." When will civilized man learn that the measure of his manhood is so largely determined by his ability to live within his income, no matter how small? Like Thoreau for example, who built a most comfortable home and lived a year on about sixty dollars and at the same time wrote one of the most readable books of his time.

But I have strayed from my business as a farmer. After we were comfortably domiciled in our new home we started out to engage in breaking prairie. We did not rig up the plow with the wheels of the wagon. That did very well to talk about when we wanted to make farming easy, but we went at it in the old way with the horses, one of which was balky to start with and another soon became so. We planned to break eighty acres. Friday held the plow and I drove the horses. I had a whalebone carriage whip to touch them up with as they needed it. One

of them would occasionally get sulky, another would try to jump over him and the other, true to her sex, was willing to do all she could. Sometimes the plow would be dancing along on its point and sometimes it would be in the ground to its beam. We plowed a double furrow the length of the land that day before we quit and I haven't plowed any since. Subsequently Friday worked two of the horses doubled up with a neighbor and broke about thirty acres that season.

While on a visit to General Campbell and his family at Scotland, on the 4th of July of that year, we met Governor Ordway, who had just arrived in the territory and was on his way to Mitchell to deliver the address at the celebration there which was to come off on the following day, Monday. The general had many acquaintances among public men in the city of Washington, where the governor had lived for several years, and I was acquainted with a few prominent men in New Hampshire, the governor's native state, so our conversation was quite free. He told us he had been offered the appointment as governor of Dakota, or Washington, but he preferred Dakota as from his position here he could see better business opportunities; that he thought the capital of the territory should be moved to a location on the public land to be entered by the territory for that purpose so that the people would get the benefit of the growth of the place. Something like this was in the capital removal act passed later. He expressed himself as struck with the similarity of the location of Yankton on the Missouri river with that of Georgetown on the Potomac, that it might be well to change the name of Yankton to Georgetown, and when the capital deal was on later and everything within reach seemed to be going with its removal

from Yankton, I marveled that he did not take away the name of that town and confer upon it one more to his liking.

Early in October a big prairie fire came up from the Indian reservation south and west of us and threatened to destroy us and our homes, but with our well prepared firebreaks and industrious opposition we kept it off with little loss. A few days later we went from summer's heat to winter's cold and into a furious blizzard in which it snowed and the wind blew and howled for three days during which our fuel ran out and we burned the lumber we had bought for a granary, to keep ourselves warm. However, during the storm we learned with the assistance of a neighbor how to twist hay into rolls or sticks so tightly that three or four of them would cook a meal, and that solved the fuel problem for all further farming operations; we had plenty of hay.

During that farming season while Friday was engaged in work that he alone could do and that had to be done then, I undertook to make some biscuits. I mixed the dough all right and made a nice pan full of dough balls. Whether or not they were to be biscuits remained to be determined. I put the pan in the oil stove oven and it seemed to be hot enough to bake anything, but the heat merely bleached the dough and hardened it like pressed brick. As biscuits the little dough balls were a dismal failure, but as grape shot they would have been a decided success if our neighboring Indians had been on the war path and ammunition was needed to cool them off. After that experience I confined my efforts in bread making to flap-jacks in the manufacture of which I had been thoroughly schooled by Friday.

Speaking about Indians reminds me that we had

a visit from a party of them that season and, while we were in doubt as to their character and purpose, our horses became frightened and ran away from home to get beyond their reach. They did not seem to be fascinated with them, at least, and if horses think they may have reasoned that, like some white folks, they were sometimes victims of temptation and virtue with them was merely a matter of the want of opportunity to be bad.

As we were about going away from the farm that fall to winter in Scotland I turned over my surplus oats to a German friend to dispose of. He reported later that he had sold them to a new comer, and that in counting the sacks it was reported to him that one more sack was taken than was paid for. This report was afterwards resented by the person against whom the charge was made and resulted in a split in the church, and finally in establishing a new church by the accused party and his friends, as I was informed. If the charge was true the sack of oats would hardly comply with "Thou art Peter which is a rock and on this rock I will build my church and the gates of hell shall not prevail against it."

Late in the fall of 1880 we located in Scotland expecting to pass a pleasant winter, as the winter before had been very mild, and I was informed by the Rev. Morris, who was an old settler, that the winters of Dakota were usually so warm that one could keep comfortable with a linen coat on after the first of January, which I found to be true—if one had enough of clothing beneath to keep him warm without it. The winter opened during the holidays with heavy snows and about the 19th of January the railroad running into the town was blockaded and remained so for the next three months.

On the 7th of January I went to Yankton across country to try a lawsuit and when we arrived there, about 10 o'clock in the morning, we found the thermometer registering twenty seven degrees below zero, but we made a comfortable journey in a sleigh the bottom of which was covered with a feather bed extending from seat to seat, I and two other men sitting on the back seat and two women sitting in front facing us with another feather bed over all of us as a substitute for a buffalo robe. The suit was for divorce and my client wanted it, but we were in such good temper when we reached the court that the case was settled and the parties returned to Scotland to live together as husband and wife until death parted them.

During the winter the question of procuring fuel with which to cook our food and keep us warm was a serious one; with the blockade of the railroad coal ran out and we had to depend on a supply of wood from the Missouri river twenty miles away. Here Friday was at his best for he made trips with a sled as often as it was necessary to keep up the fuel supply, but after he cut it up for use it was usually so green or so wet that we had to bake it in the oven of the cook stove before it was fit for use in the fire box. The winter wore away slowly and was followed by spring floods that carried away the railroad and highway bridges and flooded the prairies to such an extent that all lines of travel except by navigation were closed until about the last of April, when Friday and I started out for Douglas county, to begin farming operations.

CHAPTER XXIV.

ORGANIZATION OF DOUGLAS COUNTY.

About the last of April, 1881, I learned that Douglas county had been organized during the previous winter. This was unwelcome news to all the settlers of the county, and they did not number more than a baker's dozen, while it required a petition of at least fifty voters to be presented to the governor to authorize him to appoint the county commissioners who could complete the organization by appointing the other officers.

Investigation developed the fact that one Walter H. Brown, then a resident of Springfield in Bon Homme county, had presented a petition to the governor purporting to be signed by fifty six legal voters of the county and asking for the appointment of three other alleged residents as county commissioners; that the petition was verified by himself upon information and belief; that it was presented to the governor during the session of the legislature and Brown referred him to a prominent member of that body who claimed he had known him in Iowa as a county commissioner, candidate for congress and president of a projected railroad, which was true. In addition to this that Brown claimed his poor old mother, more than eighty years old, whom the governor knew in New Hampshire in his younger days, was out in Douglas

county on his claim and he wanted to get back right away to get fuel to save her from freezing to death; whereas not a person living in the county, or who ever lived there, had signed the petition or heard of it, although the names of some of them were on it with the names of several persons living in Bon Homme county, and none of the persons named in the petition as county commissioners lived in the county. Brown was one of them and lived at Springfield, another lived at Bon Homme, and the other was a roustabout on a Missouri river steamboat frozen in at Fort Benton, and it was utterly impossible on account of the deep snow for Brown to get to the place where he claimed his mother was at the time, and she was comfortably domiciled at Springfield.

On the showing made by Brown the governor issued commissions as prayed for in the petition and in a few days after I learned the situation I called on him and asked him to see the friend of Brown who had endorsed him so highly and try to have him influence him to give up the commissions as the real settlers of the county intended to go into the courts to secure their rights if he went on with his organization scheme. He promised to do as I requested but I heard no more of it, except that the endorser of Brown claimed the governor never spoke to him about it. Later I commenced proceedings to oust the commissioners, and, in the mean time, to enjoin them from performing the duties as such officers, but the difficulty was to get service on the defendants. Nobody had seen them in the county and for a long time their whereabouts could not be learned, except one who disclaimed any title to the office or knowledge of his appointment.

At last it developed that Brown's endorser claim-

ed he was at Brown's house in the summer of 1880 and this was followed by information that he and Brown were seen in a shanty on wheels in June of that year going in the direction of the north west corner of the county and runners were sent out to locate it. Brown was found a little later on Andes Creek about five miles north west of where Armour now stands and with him were two or three of his associates in the "public service." They had evidently moved in recently as their shacks were mostly in course of construction. Papers were served on Brown and he was asked where Hoyet, his associate commissioner, lived, whom we later learned was at Fort Benton, and he pointed to a single wagon trail leading out into Charles Mix county which when followed several miles returned to Brown's settlement. As a matter of fact none of the commissioners appointed by the governor, except Brown, ever acted, although their record showed that Hoyet acted at the meeting when the vacancy caused by the disclaimer of one of them was filled and the other county officers were appointed, and the testimony of Edgar Berry, an honest man who believed he was regularly appointed sheriff, showed that a man who responded to the name of Hoyet, who came to the meeting from no where and returned to the same place, acted as a commissioner on several occasions, but disappeared as soon as we began to look him up for service of process.

That this organization was made for a swindling purpose on a large scale I never had a doubt, and in this belief I pursued it until it was broken up, its principal operators fugitives from justice and its nefarious object defeated. I instituted suits to enjoin and oust the appointees of the county board as soon as we could learn who they were, but after we got

service on Brown we might as well have had writs against some particular gopher in the Andes Creek hills as against any of the party, except Edgar Berry the sheriff, who never attempted to evade us but did not know what the other fellows were up to, except that a pair of horses were constantly kept harnessed, and one of the gang posted daily with a field glass where he could sweep the prairies with a searching observation and warn his companions to flee whenever any outsider was seen approaching their settlement, which was located in an out of the way place from the other settlements.

They named their settlement Brownsdale, located the county seat there and were reported to have divided the county into three school districts for the purpose of bonding each for fifteen hundred dollars, and the method of procedure was to move the same shack on wheels into each of the districts to make a showing for building purposes. Brown's district was immediately north of his dwelling and when he retired one evening the school house was there but the next morning it was gone. Coming out and discovering the loss he exclaimed: "J—s C—t, who stole my school house?"

My view of the plan of operations was that the organizers would issue all the warrants on the county treasury that they could float and if let alone would get an act through the next legislature to authorize the funding of the debt in the bonds of the county, and if the courts should hold against us in the ouster suits, or hold, as the supreme court did later, that the organization was good de facto and could bind the county the same as though its offices were held by unchallengable title, then we who had taken claims in the county as bona fide settlers might as well move

out. To meet this situation it was necessary to keep the litigation alive which I had started; to make search of all parts of the county so as to be able to prove when the trial came on any of the warrants that they were bad because issued fraudulently and without consideration, except so far as they were issued for books of record, field notes, blanks and stationery, the only things of value received for any warrants by the county.

One of the suits was fixed for hearing before Judge Shannon at Yankton about the 5th of July, 1881, but when we went down there, I mean myself and most of the bona fide settlers of the county, he was absent on his official duties and had adjourned the hearing to September 5th, following. On September 5th we again put in an appearance but the judge was busy with the Yankton county bond case and we were told to go home and come back in October, and when we came we found the supreme court in session and were turned back again. These people were poor, many of them living in sod shacks, but all were willing to contribute their time, their teams and the money necessary to pay clerk of court's fees to meet the fraud that threatened to deprive them of their holdings.

I endeavored to publish the facts of the situation in two or three newspapers in the territory and in the St. Paul Pioneer Press without success, and I wrote to Hon. William M. Springer, a representative in congress from the Springfield, Illinois, district, whom I knew, a statement of the facts, also a showing that immediate relief from the courts or the legislature was out of the question, and asked him to present a petition to congress of the bona fide settlers of the county praying for an act to wipe out the organiza-

tion subject to the legal right of honest creditors, if any. He replied to my letter saying he would present any petition to congress the people of Douglas county desired, and advised me to write up a history of the facts relating to the fraudulent organization and send it to the Chicago Times, which I did, and its publication brought matters to a crisis.

In the meantime the settlers, outside of the Brown gang numbering seven or eight men and their families, some of whom had two or more offices, searched the county thoroughly and found no court house, jail, roads, bridges or other improvements and nothing but the field notes and books of record for which treasury warrants or orders could honestly issue, and this information was decisive of the litigation on the bogus warrants at a later date.

In July, 1881, Thomas H. Parsons of Worthington, Minnesota, came out here with a block of Douglas county warrants calling for several thousand dollars which it was reported had been sold him by a prominent politician of Bon Homme county as having been issued for public improvements, and they were taken care of by him. Late in the following fall a gentleman came here from Albert Lea, Minnesota, representing H. G. Easton of Lanesboro, Minnesota, a prominent capitalist, with another lot of seven or eight thousand dollars in warrants of this county and a copy of the article I had written for the Chicago Times, looking for the county seat of Douglas county and a redeemer for his warrants. Not long after their redemption was reported as made by two prominent leaders in the political life of the territory.

Taking advantage of the disclosure Governor Ordway, who had remained inactive, so far as I could learn, since his promise to me that he would see the

man who endorsed Walter H. Brown at the time the organization steps were taken before him and advise him of the true situation and urge him to have Brown surrender the commissions, suddenly awoke to the situation and dispatches were sent out from Yankton to leading newspapers of the West telling of the great wrong he had discovered in which an attempt to defraud the people of Douglas county of two hundred thousand dollars was in operation; that he was doing all in his power to prevent its success and if the ring leader had not escaped he would be arrested. Major Burke, an agent of the general government, had caused a warrant to issue for the arrest of Brown, but before the deputy marshal had left Yankton to serve the warrant the newspapers containing the startling information of the governor's discovery had reached here and Brown had ample time to escape which he did. This prosecution, I learned from the governor, was the best way to dispose of Brown, while I insisted that he should be prosecuted for his work in the fraudulent organization, no matter what steps the government took. This he strongly objected to.

Early in the following spring I arranged with Judge Edgerton, then presiding judge of the Yankton district, and E. G. Smith, our present circuit judge, then district attorney, to have the Yankton grand jury held until I could get the witnesses there from Douglas county. The governor returned from Washington about that time and called a meeting of the witnesses I needed, at Mitchell seventy miles distant from Yankton, at the time I had arranged to have the grand jury there look into the Douglas county matter—a co-incidence perhaps—but the holding of that body in session longer than usual obviated any difficulty, for on the return of the witnesses to their homes we

had them subpoenaed, and that the governor might not be suddenly called away on business that could be deferred we had him subpoenaed too, and the grand jury investigated the matter with the result that Brown was indicted and the governor criticised for not exercising more caution in issuing the commissions to him, or something of that kind. I did not see what good the latter did but I suppose it was a response to local feeling as the governor at this time was not oppressed with popularity in Yankton, but there was no love lost, as appeared by the part he took during the following winter in the removal of the capital from that town.

After Brown went into hiding on the newspaper reports referred to and found that the steps to procure his arrest were merely based on filings made in the local land office at Yankton, he returned and surrendered himself, it was said, on the advice of his backers who seemed to have hopes of the success of his organization. On his appearance at Yankton to give bail he was somewhat changed. One could not well discover in him the full black bearded man I had met at the hearing in Yankton the summer before. He was clean shaven and the disguise was most complete. I could not for the life of me swear that he was the same Brown so far as his appearance went to indicate it. I sent the petition of the people of Douglas county to which I have referred, to Congressman Springer. It was presented to the body of which he was a member, referred to the committee on territories and by that committee referred to the sub-committee before which the governor told me he appeared and suggested that the matter stand until he could see if he could not do something to meet the situation.

Not long after, in the early part of the summer of

1882, the people of Douglas county, who had increased in number that year several hundred, were suffering from another infliction; horse thieves had begun to operate among them and they organized themselves into a vigilance committee, but failing to catch the thieves, they turned their attention to Brownsdale and the Brown organization. They advanced against the enemy under the friendly cover of the darkness of night but, like the horse thieves, the leaders of the Brown gang had fled, and so far as the public has known, have never been seen since. The committee, however, captured the record books, field notes, blanks and stationery, and as one of the members expressed it, the "stomp," meaning the seal used by the register of deeds and ex-officio county clerk, Brown's son—who was also county superintendent of schools that did not exist—to give their bogus warrants the appearance of respectability. Some time after this the field notes were turned over to the surveyor general's office and later bought by the county, but the custodian of the books, blanks and stationery becoming alarmed, it was said, dug them up from the hole in which he had buried them on the prairie and made a bonfire of them. This was the end of the Brownsdale organization.

Later in the summer, at the suggestion of the governor, a petition was prepared in accordance with the law, and he was asked to issue commissions to Charles E. Huston, Charles A. Houlton and Ferdinand Diesterhaupt as county commissioners which he did and they completed the organization by the appointment of the other county officers and located the county seat temporarily at Huston, a postoffice on Choteau Creek, located not far from the center of the county, and adjoining this location they entered a

quarter section of the government land on the advice of the governor, I think, on which to build the county buildings and give the people the benefit of the growth of the future metropolis, but politics and railroad building upset this plan later. The governor and myself were at outs after the Yankton grand jury experience and he suggested to the new county commissioners, as indications pointed out, not to recognize me in future legal proceedings, and quite naturally I was indignant. I had traveled with my team more than a thousand miles across country and had done hundreds of dollars worth of legal service to defeat the fraudulent organization and its work, for which I received no compensation and expected none. I did not take kindly to his suggestion and when the campaign began for the fall election and a new deal in the offices, as well as the removal of the county seat to Grand View, a hamlet with two or three buildings at the geographical center of the county, I took an active part.

That year I was living in Douglas county, where I had taken up a preemption, and practicing law in Scotland, thirty five miles away, going down there on Thursdays of each week and returning on Saturdays. My wife held the fort during my absence, with old Jerry, a little black and tan dog, and a Smith and Wesson revolver to aid her in case of emergency, and the same was true during the absence of Friday and myself in 1880, when we were homesteading in the same neighborhood, after she came out in the spring of that year. As the neighbors were but nine in number and lived from a half mile to seven miles away, her position was not an enviable one on such occasions. During the six months' necessary residence on the preemption I traveled about two thous-

and miles, sometimes in the hottest weather traveling part of the night, and when overtaken by storms, picketing my horse and taking shelter with the fleas in a sheep skin fur coat kindly furnished me as a bed in an adobe house by some hospitable German Russian farmer.

While the number of voters was not large the political campaign of that year was as hot as though they were as numerous as the mosquitos that then swarmed on the virgin prairies, and in the round up we beat the governor's friends by a good majority on all the issues, and the county seat went to Grand View to be removed a few years later, when the railroad penetrated the county, to the thriving town of Armour. In the contest I was asked to particularly look after a dozen German Russians in the south east part of the county, and their pledge to support the Grand View ticket was obtained, but before the election the opposition secured the support of the Yankton Frie Presse, a German newspaper, which gave me a scoring because of some necessary quick but legitimate work at our caucus which was endorsed at the convention. I went into the German Russian settlement the evening before election and found all my friends unsettled as to how they would vote on the following day, except one, who had secured a retainer for services from the opposition and some copies of the German newspaper referred to. We got them all back in line except this man and I left my companion, a German friend, to sleep with them and take them to the polls bright and early the next morning, which he did, and by the time the opposition came to the settlement to go with them to vote we had their ballots in the box twelve miles away for our ticket. Later when the returns of the election arrived at the

county seat, an Irishman named Dugan asked Mr. Huston, one of the county commissioners, how it was and Huston replied "We're beat by eleven majority." "Eleven majority!" said Dugan, "That aint much." To which Huston replied "But we're beat! we're beat!"

At the time of the first meeting, in January 1883, of the new board of county commissioners chosen at that election I went to Grand View, the place where the electors had located the county seat, and presented the facts constituting the fraud on the county so that the entire history of the situation should become a part of the record of the county commissioners, as it did by their action. Upon this record I secured a petition of the commissioners to the legislature which was to assemble in a short time, asking for the passage of a law forbidding the payment or other recognition of any warrants issued by the Brownsdale organization, except upon the mandate of a court of record of competent jurisdiction. This meant the district or supreme court, and my purpose was to quiet the fears of would-be investors or people who had money to loan, as there was much fear that a reported two hundred thousand dollars of warrants issued by the organization referred to might be saddled on the county by recognition of its officers, even though not so intended; and it was almost impossible for the people in that county to borrow money on the credit of their property either real or personal. The bill thus framed was presented to members of the legislative district of which Douglas county was a part and among outsiders M. H. Day and Charles T. McCoy, who had been criticized for alleged connection with the Brownsdale organization, expressed themselves as favorable to a bill which would help the people of

the county out of the situation which embarrassed them. The bill passed the legislature but was objected to by Governor Ordway solely because it did not legalize his second organization, and another bill was presented to meet his objections, which was enacted by the legislature and approved by him.

Later—a year or two—Charles T. McCoy had been appointed by President Arthur as register or receiver of the Aberdeen United States land office during the vacation of congress, and when the question of his confirmation came up Congressman Hitt of Illinois appeared in opposition, but Ordway soon took the field in person and raised as an objection against the confirmation of McCoy that the bill which I have mentioned as first being passed by the legislature was in the interests of validating the fraudulent warrants of Douglas county. My recollection was still fresh of the hardship and suffering I endured in riding ninety miles across the prairie in a buggy, when it was neither sleighing nor wheeling and the thermometer was nineteen degrees below zero, to get the work done by the commissioners in the way of making up the record I have referred to and a petition to the legislature, so quite naturally, I did what I could to meet this move of the governor; not that I had any interest in McCoy, but a slumbering interest in His Excellency on account of the old score, and to satisfy my indignation against him for holding up the bill referred to for the purpose he had in view. I prepared an affidavit of my own together with one for members of the legislature from our district which followed the governor's course from beginning to end in the Douglas county matter and tended to show that his trail was as sinuous as that of a snake in the sand, without charging him, or intending to

charge him, with dishonesty. These affidavits were filed and they struck the governor in a tender spot. It was reported he said to McCoy "Why! these affidavits not only exonerate you but they charge me with corruption. If you will take them from the files I will withdraw my opposition and be your friend." This was the end of the governor's opposition and McCoy was confirmed. The affidavits did not charge the governor with corruption. They charged him with crookedness. It was the crookedness of a politician, which was doubtless indulged in to meet the hostile criticism of his connection with the Brown organization by those who were as indifferent to the welfare of the people of Douglas county as they were anxious to hold the governor up to condemnation.

About 1888, suits were brought on the Brownsdale organization warrants which amounted with interest to something like sixty five thousand dollars. The county was represented by ex-Chief Justice Bartlett Tripp, Mr. Tipton, the states attorney, and myself, and we were met by the proposition that each warrant shown to bear the signature of the acting chairman of the county board, Walter H. Brown, that of the county clerk, his son Alfred Brown, and the county seal, made a presumptively valid claim against the county for the amount expressed therein and interest at the rate of seven per cent from the date at which it was presented to the county treasurer and not paid for want of funds as shown on its back, and to defeat this claim we must show that each particular warrant thus proved was given without consideration, but we overcame this by showing what the county had received of value, accounting for the warrants issued for it, and proving that nothing else of value had been received by the county or done

for it. Hence all other warrants were fraudulent and without consideration, except those issued to the officers of the organization and as to those we proved they were mere conspirators in what they did and therefore entitled to no pay for their work. The warrants were not negotiable paper in the sense of our law, hence they were open to the same defense in subsequent purchaser's hands as though sued on by the parties to whom they were issued. These suits were tried before Judge Haney at Mitchell, and on one of the juries was Major Green, who as an officer in the United States Marine Corps captured John Brown at Harper's Ferry before the civil war. In this litigation we defeated after a ten years' struggle, including interest, claims amounting to about sixty thousand dollars. If there were any more of the alleged two hundred thousand dollars afloat they have long since been barred by the statute of limitations. Too much credit cannot be given in these cases to Judge Tripp for his able, exhaustive and convincing presentation of the law, so vital to success, whose views the court adopted. The settlers of the county to whom credit is due for gathering the facts without which we could not have succeeded, were Michael Donley, Charles E. Huston, Richard Johnson, L. J. Manbeck, William Palmer, Robert Sawyer and Edgar Berry.

What I have said about Governor Ordway is not intended to reflect on his honesty. I believe he acted honestly in issuing the commissions as county commissioners on the facts presented to him, although the Brownsdale gang and its sympathizers have held otherwise. He disagreed with me in the method of procedure which he had a right to do. He tried to have his way in the contest and I tried to have mine.

We are even. The governor was a great fighter as his numerous enemies in the then territory, who have not yet joined the great majority in the realm of shadows, can testify, but he did not always fight according to the Marquis of Queenbury rules; if he could hit the other fellow below the belt it was safe to figure on his not neglecting the opportunity.

Although I had abandoned the project of making a fortune in raising sheep in Texas, I had never fully recovered from the fever for engaging in that business, so in the summer of 1881 I bought a flock of sheep for three dollars a head and turned them over to an American farmer to be kept on shares. I thought I was doing him a favor. He put a mortgage on his farm to build a stable to shelter them and in the following spring twenty per cent of them died of old age, he was glad to go out of the business, but I could not get out. I then turned them over to a German farmer with similar success. One day I passed his place and seeing a barrel of salt standing near the sheep stable, I said to him "Salt is good for sheep," to which he replied "Oh ya! Saltz! Saltz! immer Saltz. Saltz ish goot. Saltz und vasser mak fat," which reduced to English is "Salt, salt always salt. Salt is good. Salt and water makes fat." In the meantime the dealer I bought the sheep of called on me and convinced me that I was on the high road to wealth. All I needed was thorough bred males, so I gave him twenty five dollars for one as an experiment and the next year I sold the lot including the thoroughbred for a dollar and a half a head. Later I tried cattle and swine on a more extensive scale with a tenant to whom I had rented a large farm with better success but between the black leg, cholera, threats of Texas fever and accidents, I finally

came to the conclusion that the old adage of "Shoemaker stick to your last" was good enough for me to go by, in the future, even though the law practice did not threaten to submerge me with a golden shower by way of compensation.

Before I leave the field of my farming experience in Douglas county altogether, which I remember with fond recollection, there is one other phase of it worthy of mention because it was even more striking than that of the sheep industry as a financial undertaking. I had been told that I could grow onions with great success on newly broken prairie ground so I invested ten dollars in seed, prepared the soil with conscientious care, sowed the seed and harrowed it in, but as a return for my investment and labor I didn't get an onion. I don't believe Horace Greely in his wonderful farming ever beat that experience.

CHAPTER XXV.

STORIES OF EARLY LAW PRACTICE.

From pioneers in South Dakota I have heard some interesting tales of the practice of law in the early days of the first settlers and among them the following:

After the jury had retired to consider their verdict in the first case tried in the Bon Homme county district court the defendant sent his hired man with a jug of whiskey to take into the jury room to secure the verdict, and he succeeded.

On another occasion when the United States court was held at Fort Randall, the marshal delayed the proceedings of the court by not returning from an official mission as promptly as he should, but when he came back he took some greenbacks out of his pocket explaining to the court that the cause of his delay was the time spent in a poker game where he won this money down at the mouth of Choteau Creek, offered the presiding judge half of it which was accepted with the remark "For this I'll let you off."

In the Yankton district the presiding judge in the early days was a good carpenter but no lawyer. He is said to have adopted the practice of making notes of the legal questions that were to come before him and fastening them in the inside of his hat so that when he placed it bottom side up on

the bench before him the notes would be in plain view. He was called "Old Necessity" because he knew no law. On one occasion a presiding judge of that district—it may have been the one above mentioned—was on the bench when a case in which one of his associates of the supreme court was a party and a question coming up which he did not know how to decide, he turned to that party and asked: "Judge Brookings, if you were on the bench how would you decide that question?"

But the higher courts did not enjoy a monopoly of such interesting peculiarities. It is told of a justice of the peace in Bon Homme county, who believed people should settle their difficulties and not resort to litigation, that a case coming to him on a cold winter's day when a blizzard was raging he immediately donned his buffalo coat tied a rope around it to keep it close to his body and established his court in an old building used as a corn crib, through which the storm pelted him and his audience. It goes without saying that he froze that case out.

In the vicinity of Olivet in Hutchinson county, away back in the early seventies, there was an Irish settlement and as times were very dull and they had nothing doing to entertain the community, its members sometimes engaged in suits before a justice of the peace; Eden Maxwell and his uncle Henry, both interesting characters whom the old settlers will remember, usually acted as the lawyers. Eden's client was beaten in a case and the sheriff took his only cow on execution to pay the costs. Eden was well acquainted with Judge Brookings of the Yankton district, in which Hutchinson county was located, so he prepared a paper for that judge to sign ordering the sheriff to give up the cow and went down to get him

to sign it, but when he reached Yankton Judge Brookings was out as Judge Shannon had succeeded him. Brookings expressed his regret that he no longer had the power to sign it but advised Eden to call on Judge Shannon, a gentleman of considerable dignity and integrity, and let him know how he came out. Eden acting on his advice called on the new judge and read the paper to him, explaining that his client was poor and could not afford to hire a lawyer to make out papers to claim his exemptions, that he called the paper a mandamus and if the judge would just put his name down there, indicating the place on the paper where he desired it, he would make a copy of it, give it to the sheriff and he would give up the poor man's cow. Judge Shannon turned on him his eyes gleaming and his face ablaze with indignation and saluted him with "Sir! what do you take me for!" and Eden left as though he had been shot out of a cannon, even forgetting to call on his friend Brookings to tell him how he came out.

In the early days the district court was held in a sod church at Olivet. At one of Judge Shannon's terms considerable difficulty was met with in the examination of the members of the jury to learn whether they were competent. The judge intervened in the examination of a couple of the jurors, one of whom he asked whether he was a citizen of the United States but he could get no satisfactory answer; finally he asked him if he was born in the United States, to which the witness answered "Naw sir." "Where were you born?" "In Michigan." An Irishman was the next on which the judge tried his skill. He answered no to the question as to whether he was born in the United States and as to where he was born "In ould Ireland be J—s."

At this term of court among the lawyers present were Hon. Bartlett Tripp, Hon. S. L. Spink, Hon. John Gamble, Hon. L. B. French, Hon. E. G. Smith and others prominent in the profession, as able a body of lawyers as you would be likely to find, for the number, attending any trial court in the North-west, and as the judge had been compelled to discharge several Germans from the panel because they were total strangers to the English language he turned to the bar after his last examination with "Gentlemen what shall we do with this Irishman?"

In the trial of Harvey Knowlton, or "Rebel George," before Judge Shannon at Yankton in the early eighties on a charge of murder he was defended by the Hon. Bartlett Tripp and prosecuted by Hon. Hugh J. Campbell, United States attorney of the territory. The trial, a noted one, was hotly contested on both sides and the judge seemed to lean to the prosecution so much that the defendant took a strong dislike to him. Knowlton was convicted of manslaughter, the supreme court reversed the conviction and he was again tried and acquitted. Judge Shannon had been seeking a third term about this time but had failed and Judge Edgerton was appointed as his successor. When he announced to Knowlton after his acquittal "You are discharged sir," Knowlton instantly replied "So are you G—d d—m you." Years afterward Knowlton was convicted in the state of Washington for a gold brick job and sentenced to a term of several years in the penitentiary and Judge Gordon, formerly of Aberdeen, wrote the opinion of the supreme court affirming the conviction. I have since heard that Knowlton has entered the vineyard of the Lord as an evangelist.

CHAPTER XXVI.

SOME CURIOSITIES.

After I gave up actual farming I returned to the practice of law and my business extended into Bon Homme, Hutchinson and adjoining counties. It was not extensive but oftentimes interesting and amusing. From the fall of 1881 for about four years Judge Edgerton was chief justice of the territory and thereafter until the states of North and South Dakota were carved out of it and admitted into the Union Judge Tripp held that position, and they presided during their respective terms in our district.

In the summer of 1884 the former held a term of court at Olivet at which the present Judge Smith appeared on one side of a civil case and I on the other. It was an appeal from a justice of the peace and my client was the appellant. Objection was made that the justice had not filed the appeal papers within fifteen days from the time the appeal was taken with the clerk of court, therefore it should be dismissed. The judge was inclined to dismiss the appeal but instead of doing that he gave me all the time I desired to look into the matter. It was never called up after that so it is still pending and not long ago our supreme court rendered a decision that seems favorable to my side of the case, but my client is dead, Judge Edgerton is dead and opposing counsel is our presid-

ing judge. It has been a question in my mind whether I ought to ask Judge Smith to call in another judge to try this case or wait until he and his client and I meet Judge Edgerton and my client on the other shore.

At the term of court referred to I defended one unfortunate fellow against the charge of horse stealing and another charged with burglary. The former was a young clean looking son of a minister of the gospel with his hair parted in the middle and the latter the ugliest appearing specimen of humanity I ever looked upon. I was quite sure I could acquit the fellow charged with horse stealing and the judge was inclined to that view also, but the jury convicted him. Horse stealing is not popular in a new country. The alleged burglar on whose feet the prosecution claimed it found boots stolen in the burglary, and dress goods stolen at the same time in a hay stack a few hundred yards from his house, I managed to convince ten of the jurors had not been proven guilty and a disagreement ended the case against him. After the trial was over the judge said "If I was going to bet on the acquittal of either of those men I would have taken the one charged with horse stealing," but he and the district attorney were too much for me in that case as the latter drew a clean cut instruction, which the judge gave, telling the jury that it was incumbent on the defendant to show that when he took the horse which we claimed was merely a trespass, he did not take him with intent to steal. He abandoned the horse after he had ridden him to Marion Junction and whether he did so because he had used him as much as he desired or because he was afraid the sheriff, who was on his trail, might overhaul him, was the question on which his guilt or innocence hung. I

had a serious conviction that the good looks of the horse thief and the ugliness of the other fellow were the most important elements in the trials. The former had the appearance of a dude which he might have avoided; the latter, like Cain of old, had been marked by the hand of God and his ugliness may have appealed to the jurors against a further infliction of punishment.

While Judge Edgerton was holding a term of court in Bon Homme, not long before the county seat was moved to Tyndall, an elderly German Russian who had been indicted for rape was brought into court. He was my client and I felt sorry for him when I saw the judge look at him. It seemed to me that there was twenty five years in the penitentiary in that look. I made up my mind, however, to do the best I could for him. I suspected the case was merely one of blackmail. We took a change of venue to Yankton county and when his trial came on I had him surrounded by his friends, some of the most prominent citizens of that county. On the cross examination I succeeded in breaking down the prosecuting witness but I went on with the defense in the matter of showing what a nice man my client was. After a while the judge called me up to the bench and told me if I would stop he would give my client a new trial if the jury convicted him to which I objected unless he would tell the jury to acquit and if it did not obey orders he would agree to give us a new trial. "No," said he, "I can not do that but I will advise an acquittal and if the jury does not act on my advice I will give you a new trial." The jury acquitted the defendant in the time it took to retire and draw up a verdict.

In the winter of 1884 and 1885, about the last of

December, Judge Edgerton came up to Olivet to hold the first term of court in the new court house there. It was nearly dark when he started out in a sleigh from Scotland to make the trip and I joined him. The party consisted of himself, the court stenographer, Hon. Robert J. Gamble, myself and John Petrie, sheriff of Bon Homme county, who furnished the team. The snow was deep and drifting so that when we arrived on the bluff bordering the Jim River Valley it had covered the trail and I went ahead to locate the road and pilot our party; when we came within a mile of the county seat, the horses gave out and the judge hired a German Russian farmer to come to our relief.

The next morning about 8 o'clock the weather was intensely cold and a furious blizzard was coming on, but a little thing like that was merely an inspiration for a prompt administration of justice to Judge Edgerton. At the hour named he presented himself at the outer door of the court house and by energetic kicking brought Frank Eisenmann, the register of deeds, from his sleeping apartments in the jury room to the door in his underclothing and the judge ordered a fire built in the court room and mounted the judgment seat. The solitary prisoner held in the jail was promptly indicted for rape convicted and sentenced and the court adjourned with the close of the blizzard by noon of the following day; he was sent to the penitentiary for twenty five years and six months. The by standers could understand the twenty five years but not the six months; they finally concluded that humane considerations moved the judge in this matter and that he wanted to turn the prisoner out on grass at the end of his term. I think this was Judge Edgerton's last term in Hutchinson coun-

ty. He was succeeded by Judge Tripp during the following year.

Before this time a lawyer of considerable energy and ability by the name of True located at Olivet and the law business began to look up. He was an uncompromising collector and made many enemies by his industry and success. People had not been accustomed to his style of rushing business and disbarment proceedings were instituted against him. Judge Tripp gave him the choice to be tried by a referee or a jury and he elected to be tried by the latter. The prejudice and the evidence against him were strong and he was convicted. Later a large number of ballots were found in the jury room—the jury were mostly Germans—and all of them were “Gainst der True.” The friends of True claimed that the jury took the oath “a true verdict to give according to the law and the evidence,” to mean that they must give a verdict against True.

At one of the terms in Hutchinson county I was defending a German on a promissory note given for a threshing machine. Our defense was failure of consideration in this that the machine was warranted to do good work and it failed to do so. We had our evidence about all in and I told my client I thought we would be beaten and we might as well let the plaintiff take judgment. He replied “all right. Yoost as you say, arber I hafe von more vittness.” “Who is he?” “Pather Schneider.” “What does he know?” “He knows more as anybody.” Pather was sworn and took the stand. His mental organization at its best was not strong and he seemed to be dazed. I went at him with an interpreter and he began. After the interpreter was loaded with his tale he cried out “halt!” Then to start the witness again, he said to him;

"veider" "what else" and he began with "Spathther," later, and continued his story so that it ran "veider," "spather," "halt" until he had delivered himself, keeping time with one of his feet while the large German audience was convulsed with laughter. The court intimated that he might be compelled to hold the witness in contempt if he did not dispense with his time keeping part of the exhibition. The burden of his story was that while they were threshing so many stacks of grain they had so many men who ate so many sheep, ducks, geese and other poultry and this was the way he took to show the length of time they worked and that the machine did not work well.

In the course of my travels in the Indian country I met a lady friend whom I had long known and who was then superintendent of an Indian school, and some of the stories she told me of her experience with the children of the noble red men were instructing and amusing, one of which was of a son of Sitting Bull, who came to her school after that chief had retired to Canada to put himself beyond the jurisdiction of the United States through fear of being called to account for the Custer massacre. The boy was about fourteen years old but so pinched in appearance from the hardship he had endured that he looked much older. He was a blanket Indian. That is, when in full dress, except in cold weather, he wore only a clout. He presented himself to her for a suit of clothes and she first gave him a vest which he promptly put on without a stitch of other clothing and when given the remainder of his wardrobe he asked her for a servant to carry them home. Could a specimen of civilized aristocracy have done more to show his thoroughbred quality? To teach the young

Indians not to use bad language she was in the habit of washing out their mouths when found indulging in it, and the practice proved most effective. The young Indians seriously believed that this method of policing their mouths had a cleansing effect on their moral characters.

An interesting explosion which occurred one day in the circuit court of Knox county on a trial of an important replevin suit, the development of which I was watching, but which I overlooked recording when I was writing my recollections of that section, was the following: There was a witness on the stand who was under the severe fire of a cross examination by a lawyer who was untiring in that line. The witness was an unusually large man and the lawyer was a little fellow named Humphrey. The former was one of the substantial farmers of the county, and a man of considerable intelligence. When pushed to a point where he was cornered and could not answer without giving away something the lawyer was after and much in need of on his side of the case, he declared: "I refuse to remember." He was an honest witness; he told the truth. The usual way to get out of such a position is, "I don't remember."

One of the greatest examples of this in the record of jury trials in America was in the case of a noted lecturer against an eloquent and distinguished divine in New York many years ago. Whenever the mutual friend of the parties and one of them would testify to a certain state of facts which should be within the knowledge of all of them, and were damaging to the other party, his answer was so uniformly "I do not recollect" that it became one of the most striking features of that remarkable case.

CHAPTER XXVII.

GOVERNOR ORDWAY ON THE WAR PATH.

Governor Ordway was not long in the territory before he went on the war path and his earliest campaign was against the braves of the territorial legislature who were banded together to retain the capital at Yankton and for other meritorious purposes. The members from the north half of the territory were in this combination although two years later they were in the camp of the governor. The war began with the veto of the governor and continued throughout the session during which bills to repeal the banking laws of 1879; to create the county of Griggs; to create the county of Walsh; to add two thousand five hundred dollars to the yearly salary of the judge of the first judicial district; to authorize the county commissioners of Minnehaha county to issue bonds to complete the county jail and for other purposes; to authorize the creation and construction of a court house and jail for Pembina county; to authorize the same for Richland county; to divide the county of Grand Forks into five commissioner districts; to fix the boundaries of the county seat of Richland county and to grant the right to establish and maintain a wagon bridge across the Red River of the North at the city of Grand Forks were vetoed, and all of them passed over the vetoes. Hon. John Gam-

ble, Hon. L. B. French and Hon. Samuel Boyles of Yankton were members of the legislature. Also Hon. M. H. Day of Bon Homme county, Hon. George Walsh of Grand Forks, and if Hon. Jud LaMoure of Pembina was not, his power was equal to his presence. Those who knew these gentlemen did not expect to see them quietly led in the trail of the new governor and they were not disappointed.

After the governor's repulse at Yankton he next appeared in the field in the winter of 1881 and 1882, in the city of Washington, to fight for the reappointment of Hugh J. Campbell as United States attorney, the defeat of Charles T. McCoy for United States marshal and incidentally to advise the sub committee of the house committee on territories to defer consideration of the petition of the people of Douglas county until he could return and do something for them. At the scalp dance on the governor's return he congratulated himself that he had defeated McCoy and secured the re-appointment of "that great man Judge Hugh J. Campbell," and he intimated that the bill before congress for the creation and admission of the state of South Dakota might be materially improved. The indications were that he was then in harmony with the people who desired that a state be created out of the south half of the territory, but if this was true he had a change of heart before the close of the next session of the territorial legislature.

CHAPTER XXVIII.

FORMING A STATE CONSTITUTION.

The Territory of Dakota was brought into existence in 1861, with a population of about four thousand whites, and included the territory now in North and South Dakota, Montana, Idaho and Wyoming. In 1863, Idaho was taken from it; in 1864, Montana, and in 1867, Wyoming. With the building of the Northern Pacific railroad as far west as Bismarck a sentiment quite strong and active in the northern part of the territory called for the creation of the Territory of Pembina out of the north half of the territory of Dakota, with the forty-sixth parallel of latitude as its southern boundary, and in the early seventies, under the instructions of the territorial legislature, Hon. Moses Armstrong, the territorial delegate in congress, introduced a bill in that body to create such a territory. The matter was agitated from time to time thereafter and was not without effect in creating a sentiment in the south half of the territory favorable to its organization as the state of South Dakota and its early admission into the Union.

In the summer of 1882 a bill for that purpose was pending in congress and on the 21st of June a mass convention to further the project was held at Canton, the membership of which, on its organization, consisted of eleven from Turner county, fourteen from Clay, two from Beadle, two from Hanson, eleven from

Yankton, one hundred and forty nine from Lincoln, four from Moody and one who represented Dickey, Brown, Spink, LaMoure and Day counties. Among the leading spirits of the convention Rev. Wilmot Whitfield, Rev. Joseph Ward and Hon. Hugh J. Campbell were most prominent.

The committee on permanent organization, of which Rev. Joseph Ward was chairman, reported, among other things, in favor of forming a permanent organization to be known as "The Dakota Citizens' League" and recommended that an executive committee to have full power to make arrangements for all subsequent meetings be appointed and the report was adopted.

The committee on school and public lands made the following report which was adopted:

That this convention memorialize congress that we justly fear that waste and neglect, if not fraud, may affect the management of the public school lands reserved for the proposed state by the United States to be held and disposed of in trust for the public schools. They find this fear fully justified by the history of the management of these lands in other public land states, from Ohio to California, in the earliest days of statehood amid the pressure of varied duties and interests, in the location and organization of other institutions in which special localities are affected when combinations are easily made opportunity afforded for neglect, waste and fraud against which nothing is wholly effective but fundamental law, either in the enabling act or in the constitution. Left to local control in Ohio, Indiana, Iowa and other states in early days a great part of the value of these lands was lost; and vast tracts and values were sacrificed in California, Wisconsin and other

states through different combinations and fraudulent schemes. The history of these losses by neglect, imperfect laws and fraudulent combinations is not often fully set forth in the public records of the states, but it is well known some of the younger states like Minnesota and Nebraska have profited by the experience of their older sisters, but losses have occurred there which would have been saved by definite limitations upon the trust.

We further show that at present in Dakota Territory large numbers of the sections so reserved are occupied in part by settlers and other trespassers. Several of these entire sections are cultivated year by year by capitalists as parts of great wheat farms, each year deteriorating seriously the value of the lands and threatening the integrity of the state by the political influence and combinations of the trespassers with others who desire to speculate in these lands. The permanent welfare of the commonwealth is thus endangered in its most vital interests. In an era of land speculation accompanying the building of railroads and towns and when all forms of speculation are active, the school lands are receiving the attention of the rich and poor alike through various hopes and plans.

Against the evil consequences of these growing schemes and plain facts we urge that the congress of the United States be memorialized to eventually protect the new state by definite provisions in the enabling act which shall prevent the sale of more than one section in each township until after the period of ten years from the admission of the state. That congress in adopting an enabling act make provision that no school lands shall, within fifteen years, in any event be sold for less than ten dollars per acre. That

previous to said lands being offered for sale they shall be appraised by a board of appraisers to consist of such a number as congress may direct, at such value as such board may think the same actually worth; that three months public notice of the time and place of sale shall be given by publication in two newspapers, one of which shall be at the capital of the state, and the other such newspaper as is published nearest the land offered for sale. At the time and place so set for said sale said lands shall be sold at auction to the highest bidder but the price for which said lands shall be sold shall in no event be less than the appraised value thereof. The terms of said sale shall be as follows: All sales shall be upon thirty years time upon bonds payable to the state, bearing a low rate of interest to be fixed by the constitutional convention payable each year in advance. Fifteen per cent of the purchase price and one year's interest in advance to be paid by the purchaser at the time of the issuance of the certificate of sale as hereinafter provided. If at any time after five years from the date of the purchase the purchaser should desire to pay for said land he shall have the privilege of so doing provided he pays in addition to the price of said land such additional interest as may be stipulated by the constitutional convention, to protect the fund from loss during the process of reloaning. Certificates of sale shall be issued forfeitable to the state. Upon failure of the purchaser to comply with the provisions thereof, which said certificate shall be transferable, and which shall provide that upon the payment of the purchase money and the interest as hereinbefore provided a patent for such lands shall issue to the holder of said certificate.

These provisions will give the state an immedi-

ate fund, which will increase steadily for many years as the population advances. After the policy of the state is thus settled no danger can come to these interests upon the expiration of these limitations. Representing the expressed wish of a large majority of the people of the proposed state, seeing the dangers about us on every hand, and learning from the history of other states, and holding education as the great institution of the state—the promoter and security of liberty, law and good government—we respectfully and most earnestly urge that congress will place these safeguards, or stronger ones, around the new state until its now separate and new communities shall have become one commonwealth in these great inheritances and of one purpose in the right execution of these trusts.

We further submit that experience in this now rapidly developing commonwealth, as well as the report of the surveyor general of Dakota, shows that much of the public land is being squatted upon in advance of public surveys by settlers and the school lands thus greatly endangered. We therefore urge that congress make additional appropriations for the surveys of the public lands in this territory that said lands may be surveyed in advance of settlement. Rev. Wilmot Whitfield was the chairman of this committee, but the nature and characteristics of the report point to General Beadle, who was then territorial superintendent of education, as its author. He was deeply interested in and thoroughly informed on the subject.

The committee on name, boundaries and memorial to congress, regarding the number of delegates to the constitutional convention, submitted the following report, which was adopted:

Resolved, that it is the sense of this convention and we believe it to be the general wish of the people of this territory, south of the forty-sixth parallel of north latitude, that the north boundary of the state of Dakota be the forty-sixth parallel, the other boundaries remaining as they now are. That we strongly deprecate the addition of any part of our territory to the state of Nebraska and that the name of our new state shall be Dakota without prefix or any addition whatever. * * * *

Other committees made important and valuable reports but those given here seem to me to be more closely connected with the work of making a state constitution which followed.

The following named gentlemen were appointed as an executive committee: Revs. Wilmot Whitfield and Joseph Ward, Yankton county; N. C. Nash, Lincoln; S. Freye Andrews, Turner; W. C. Bower, Minnehaha; F. B. Foster, Hanson, and Rev. J. B. Hines, Union county.

In its address the convention urged the people to organize leagues to unite themselves for self protection; to secure in the constitution appropriate articles to limit taxation to a very moderate rate; to restrain counties, townships, towns and state legislatures from incurring extravagant debts, and from incurring any debts without providing the means for paying the debt in the enactment creating it; to secure in the constitution the most rigid and guarded provisions for the safety of the school lands and school funds; to secure the punishment by the severest penalties possible of any tampering with or fraud upon this sacred fund; to take the sense of the people on a prohibitory liquor clause; to secure the election as delegates to the constitutional convention the best

men of the several communities, pledged to support these and kindred measures. * * * * *

In war it has been observed that indifferent fighters become great soldiers by long continued service not unmixed with disaster, and the same is sometimes true of political leaders. Governor Ordway's experience seems to have proven this to be a fact, for benefiting by his defeat in the legislature of 1881, he successfully led its combination of 1883, which created a number of new and unnecessary territorial institutions, made unusually large appropriations, put the capital on wheels to be hawked over the territory and knocked off to the highest bidder, and aroused public sentiment against carpetbag governors and in favor of the State of South Dakota as it never was aroused before.

One of the first moves after the legislature had adjourned was to hold an indignation meeting at Sioux Falls to denounce the governor and I was on a committee there, with Major A. G. Kellam, later one of the supreme court judges of South Dakota, and others, to frame a denunciation that would do justice to the occasion, relieve us from the pressure of our righteous wrath and help the rest of the gathering out in a similar way, but a better move to meet the situation was the call by the executive committee of "The Dakota Citizens' League" on March 12th, 1883, for a preliminary constitutional convention at Huron as follows:

"The undersigned who were appointed a committee by a convention of the people of Dakota, held at Canton June 21st, 1882, for the purpose and with authority to call a convention of the people at the city of Huron at such time as they should designate, to consult upon such steps as may be right, and needful

to the public welfare to take in reference to an organization as a state, believing that the time has come for the people to move in this matter, do hereby set forth to the people of Dakota their reasons for this action and for the following call for said convention.

We ask the serious attention of the people to the following facts:

1st. That congress, though earnestly thereto by our people requested, and although it is admitted that the people of Dakota, south of the forty-sixth parallel of latitude do possess the requisite population and resources for statehood, has failed to provide for a constitutional convention for Dakota or for the division of the same on said parallel, as the wishes and interests of the people unanimously have demanded.

2nd. That the last territorial legislature by a majority of both houses yielding to the reasonable demand of the people, did pass an act as they had full authority to do, calling a constitutional convention to be held in December, 1883, and providing the money and machinery therefor, but that said act has failed to become a law by the withholding of the assent of the governor.

3d. The enormous appropriations made by the last legislature, aggregating as much as \$400,000, demonstrate the fact that in self defense of their property and interests, the people must seek a more responsible form of government, and that right speedily.

4th. That the people of Dakota have an undoubted right and authority to act for themselves in the premises, independently of congress or the legislature. Ten states of the Union have thus acted, and formed their constitutions without a prior act of congress, and have been admitted into the Union un-

der said constitutions so formed. These states are Vermont, 1791; Kentucky, 1792; Tennessee, 1796; Maine, 1820; Arkansas, 1835; Michigan, 1837; Florida, 1855; Iowa, 1846; Kansas, 1861; California, 1849. It rests with the people of Dakota themselves to say, when and with what boundaries and constitution they shall become a state. Congress never has and never will refuse to admit a sovereign state into the Union when it has the population and resources requisite therefor, and presents a state constitution, republican in form, for its approval. The people of Dakota are not dependent either on congress or the state legislature, or the governor to decide where and how they shall present their petition for admission. The means, the money and the requisite machinery for action are all at your disposal. The only question is, "Do the people of Dakota so will?"

We are in receipt of communications from all parts of the territory urging us to issue this call and saying if we do not the people will move in this matter through other organizations. Therefore to give expression to the will of the people, and if such be their pleasure to provide for taking steps toward the organization of a state government, and for presenting the state of Dakota fully organized with a state government at the next congress; we do hereby by virtue of authority vested in us, call upon the people of Dakota south of the forty-sixth parallel of latitude in their several counties to elect delegates to meet in state convention at the city of Huron, on Tuesday, the 19th day of June next, there to consider the question, do the people of Dakota desire that immediate steps be taken toward forming a state constitution and to take such action thereon as to them may seem fit?

We recommend that such elections be held by all the qualified electors of each county without distinction of party.

We further recommend that all other issues be ignored by this convention and that no question be considered except the one above stated. And to this end we recommend that all the special issues acted upon by the Canton convention as to temperance and other matters be reserved for future and separate action, by the friends of such measures, and that the action of the convention be strictly confined to the single issue, should Dakota take immediate steps to become a state?

The committee recommend that the convention consist of four hundred and twelve delegates, who shall be appointed among the several counties as follows, to-wit:

Aurora	8	Lawrence	30
Beadle	10	Lincoln	16
Bon Homme	16	Miner	16
Brookings	16	Minnehaha	28
Brown	6	Moody	12
Brule	8	McCook	12
Clark	4	McCauley	4
Charles Mix	4	Pennington	13
Clay	12	Spink	14
Codington	12	Turner	16
Custer	4	Union	16
Davison	12	Yankton	16
Day	4	Hyde	1
Douglas	4	Sully	1
Deuel	10	Faulk	1
Edgerton	4	Potter	1
Grant	16	Walworth	1
Hand	8	Edmunds	1

Hamlin	4	McPherson.....	1
Hanson	4	Buffalo	1
Hutchinson	8	Campbell	1
Hughes	8	Jerauld	1
Inman	4	Mandan.....	1
Kingsbury	12	Roberts	1
Lake	8		

The committee have, as will be seen, increased the representation as given in the act of the legislature four fold, and added twelve delegates for twelve unorganized counties not named in this act thus making four hundred twelve delegates in all.

We recommend that in each of the several counties, elections for delegates shall be held for all the qualified electors without distinction of party, on Saturday, the 9th day of June next.

We recommend also that voluntary committees be formed in each county as speedily as possible to take charge of all the details of such elections, and that when formed they send their names to the chairman of the committee.

We repeat for the sake of distinctness our former recommendation that no questions be considered in order before this convention save these:

1st, Do the people of Dakota wish that immediate steps be taken toward forming a state constitution and a state government for that part of Dakota south of the forty-sixth parallel of latitude?

2nd, Shall the convention proceed to summon a constitutional convention to meet during the coming summer and frame a state constitution and submit the same to the people to be voted on at an election in the ensuing fall?

Believing with our friends all over the territory that the people of the territory can not too soon take

the direction of their affairs into their own hands, and that if we fail to do so during the coming summer the best interests of the territory are exposed to immediate and serious danger, we urge upon all good citizens in every county south of the forty-sixth parallel to take immediate steps to secure a general representation of all classes and parties from their respective counties in this convention.

We also request the chairmen and secretaries of county meetings as soon as they have chosen delegates, to send in a list of their names to this committee. We also request the press of the territory to publish the call and to aid with their influence and power this movement.

Yankton, March 12th, 1883.

WILMOT WHITFIELD,
Chairman Executive Committee."

After the call for the Huron convention, the proceedings of which are hereinafter set forth in substance, Hon. Hugh J. Campbell, United States attorney for the territory, at the request of Hon. J. R. Gamble, Hon. C. J. B. Harris, Hon. S. A. Boyles, J. R. Sanborn, Major F. J. Dewit, ex-Governor A. J. Faulk, ex-Governor Newton Edmonds, E. C. Dudley, Dr. Frank Etter, Hon. George W. Kingsbury, Rev. Joseph Ward, W. S. Bowen and J. C. McNeary of Yankton, prepared his views of the state; how it may be formed from the territory, and published it in pamphlet form. It was a very able and exhaustive presentation of the matter in about fourteen thousand words and was widely circulated in that part of the territory out of which it was proposed to form the state.

The Press and Dakotan, a daily newspaper pub-

lished at Yankton, in the issue of May 29th, 1883, referring to the views of Judge Campbell said "During the last week the Press and Dakotan has been giving space to a series of articles relating to the rights of territories and their eligibility to statehood, the last of which appears today. These articles contain all the known authorities upon the subject, compiled and commented upon at length by one of Dakota's ablest lawyers—United States Attorney Campbell. He has given to it the close investigation of a hard working lawyer, has argued it purely from a legal and constitutional standpoint and has furnished the people of Dakota with more information upon this subject than could have come to them through a life of actual experience. * * * * Many important conclusions are evolved from the mass of evidence furnished, chief among them is the undoubted right of the people of southern Dakota to proceed immediately to the formation of a state government.

"It may be said that congress will not recognize the government—will not admit the state. The authorities quoted running down from the United States supreme court through the various legislative and executive departments of the nation—prove conclusively that congress has formally and repeatedly recognized the right. The power to organize for self government is inherent with the people. There is but one restriction recognized namely, that the section out of which it is proposed to construct a state shall possess the requisite population. The interesting decisions relating to the states of Michigan and Tennessee sustain most completely this view of the case, and there are numerous other authorities tending in the same direction. The experience of the two states named is particularly valuable at this

juncture because they were formed by the people themselves from only portions of the territory to which they belonged. In creating the state of Dakota it is proposed to use but one half of the territory of Dakota. * * *

“General Campbell’s researches demonstrate conclusively that southern Dakota through its people can elect and maintain a state government, * * * and very many wise people have put forward the objection that we have not the right to include such a division in our efforts to enter the Union. But General Campbell’s researches demonstrate conclusively that southern Dakota through its people can erect and maintain a state government.

“Under the precedents and court decisions we are possessed of greater right than was supposed. We have the undoubted authority to meet in convention and adopt a constitution. The same being ratified by the people we have the right to elect state officers, to provide our own courts, to collect taxes and to manage our own affairs. Should the provisional organization provided by the *state government refuse to recognize the government provided by the people, such refusal would not in any degree effect the legality of that government. Should congress delay the admission of our representatives that would not take from us the principle of governing ourselves at home. We are possessed of one requisite—a sufficient number of people to entitle us to admission into the Union—and the general government has no power under the constitution to deny us the right of self government which is guaranteed to us under the constitution and the laws. We are therefore in favor of immediate state organization. We are in favor of it because the time has arrived when we should manage our own af-

*general

fairs and not be longer subjected to the governing powers of men appointed from the states. We are in favor of it because it is our constitutional right, privilege and duty."

If Judge Campbell had written that editorial himself he could not have stated his position more clearly and forcibly as set forth in the pamphlet referred to, the circulation of which between the dates of the call for the Huron convention and its assembling produced a profound impression in all parts of the proposed state, and gave the state movement an impetus that made the convention referred to and the constitutional convention which followed at Sioux Falls, the most remarkable assemblages in the history of the territory or state. It was not unusual after the people came to understand Judge Campbell's view to hear the expression, "If we cannot be a state in the Union we can be a state out of the Union," and we much preferred either to any more of Governor Ordway's territorial administration. The views of Judge Campbell thus advanced are largely apparent in the call for the Huron convention, in the proceedings of that convention, in those of the constitutional convention which followed and in the address of the committee that presented the record of these proceedings to the president and congress in a plea for the admission of the proposed state, but the constitutional convention declined by a unanimous vote to follow the Judge on his theory that we had a right to create a state and set its machinery in motion without the consent of congress.

In response to the call for the Huron convention the delegates to the convention assembled there on Tuesday, June 19, 1883, were called to order and Mr. Whitfield nominated Hon. B. G. Caulfield of Deadwood, for temporary chairman.

Mr. Caulfield took the chair and spoke as follows:

“GENTLEMEN OF THE CONVENTION:—

I return you my sincere thanks for the honor you have conferred upon the people who have delegated me to represent them in this convention, by selecting the humble individual who stands before you as your chairman. I heartily congratulate the people of southern Dakota upon the interest and enthusiasm manifested by the large numbers constituting this body, which must result in the attainment of statehood and independence. (applause) I can congratulate them that they are ignoring the innovations made upon the ancient customs of this republic, by setting earnestly to work in the manner of the earliest days to bring into the Union a new and prosperous state. I congratulate them upon returning to the old moorings of the constitution where our fathers left it and from which present customs have floated it away. (applause) The former usage was for congress to admit within the fold of the Union such states as by the number, ability and characteristics of their people manifested to the country and the world their capacity for self government, without the intervention of enabling acts. The idea of an enabling act granted by congress, to the people who are the government themselves, to do that which they have a right to do, is an innovation upon our form of government. (loud and continued applause) The people of the new states require no act of congress to enable them to exercise their rights preparatory to their admission into the Union. The constitution of the United States is made for the states of the Union and not for the government of colonies and territories. The preamble reads ‘We the people of the United States do ordain and establish this constitution for the United States of America’ and neither the

spirit nor the letter of that instrument contemplates the government of anything but states.

“We therefore have assembled here today as one people, at our own call, to manifest to the people and to congress our desire to enter into the sisterhood of states, in the exercise of that right which belongs to us by the constitution of our country. We the citizens of Dakota are citizens of the United States, and as such are entitled to the same rights, privileges and immunities of all other citizens of the United States, but of which we are deprived, and that power which undertakes to deprive us of them commits a wrong and injustice upon us. We have assembled here to prepare for the formation of a constitution and to say to congress that which we have the right to say that we the people of southern Dakota are a state, and that we simply need the forms of congress to admit us into the Union as such, but not to bestow upon us the condition of statehood which belongs to us. The constitution provides that ‘Congress may admit new states’ into the Union which presumes the condition of statehood. When a new state presents itself to congress for admission with a constitution republican in form, and not inconsistent with the federal constitution, congress is bound to admit it in the plain discharge of its duties. When this territory as a part of Louisiana was purchased from France it was provided in the treaty of purchase that the inhabitants should be admitted as soon as possible into the Union and the ordinance of 1787, afterwards extended over the territory, provides ‘that at any time sixty thousand people residing in any portion thereof should have the right to form themselves into a state and be admitted into the Union.’ I understand that this is the condition and position by which we stand

today. With this understanding let us proceed with the deliberations and purposes of the convention and to that end that the proceedings of this convention may meet with the approval of men and of God. I request that the Rev. Dr. Hoyt, the oldest pioneer clergyman of Dakota, shall invoke the divine blessing upon the work and labor of this convention."

DR. HOYT'S PRAYER.

O God, 'Thou who of old did counsel with thy children, we pray Thee to be present with the members of this convention, now gathered together to consult for the best interests of the people of Dakota. Guide and direct them in all their doings with thy most gracious favor and favor them with the countenance of Thy gracious help, that in all their work begun, continued and ended in Thee, they may glorify Thy holy name and perpetuate the best interests of the citizens of this territory. We ask it for the Redeemer's sake, amen.

Philip Lawrence of Kingsbury county, was chosen temporary secretary, and W. B. McChesney of Brown, assistant secretary.

The convention then adjourned until 3 p. m.

Three o'clock p. m. convention again called to order by the chairman.

A committee on credentials was appointed and reported the following deleagtes as entitled to seats in the convention:

Aurora county—S. L. Baker, L. S. Cull, E. W. Robey, J. C. Ryan, E. H. McIntosh.

Jerauld—B. F. Chapman, A. B. Smart, T. F. Tofflemire.

Brown—M. T. Hauser, M. J. Gordon, S. H. Jumper, J. H. Drake, W. B. McChesney, E. A. Bowers, A. O. Titus, W. Winter. The committee also

recommended the additional delegates, J. H. Hauser, C. S. Mainger, L. A. Burke and A. A. Rowley.

Beadle—Karl Gerner, S. A. Armstrong, J. W. Shannon, John Blair, Fred Grant, John Cain, A. B. Melville, L. S. Hazen, S. C. Nash and E. A. Morse.

Bon Homme—John L. Turner, Joseph Zitka, Robert Dollard, F. A. Morgan, T. O. Bogert, Peter Byrne, C. T. Campbell, C. T. McCoy, F. M. Ziebach, John Todd, J. H. Stephens, C. S. Rowe, Robert Kirk, O. Richmond, Frank Trumbo, John C. Memmer, J. C. Klemme, alternate, M. H. Day.

Brookings—H. H. Natwick, C. A. Kelsey, G. A. Mathews, C. H. Sterns, L. T. McClarren, Page Downing, S. G. Mayland, H. B. Finnegan, D. J. Darrow, S. W. Lockwood, Charles Davis, E. E. Gaylord, C. W. Williams, Frank Adams, J. O. B. Scobey and Ole Knudtson.

Brule—A. G. Kellam, F. M. Goodykootz, D. Warner, L. W. Lewis, J. H. King, Charles Cotton, S. W. Duncan and F. J. Wells.

Clark—S. H. Elrod, E. F. Conklin, S. J. Conklin and Don R. Frazier.

Clay—E. B. Dawson, C. D. Shaw, J. Kimball, A. L. Newton, J. E. White, H. Newton, John R. Whiteside, C. E. Prentiss, Ben Collar, Jared Runyan, A. H. Lathrop and O. S. Agersborg.

Codington—H. R. Pease, D. U. Thomas, E. M. Dennis, E. D. Wheelock, T. A. Kingsbury, A. D. Chase, Oscar Kemp, E. A. Dewey, William M. Pierce, George A. Eads, C. C. Wiley, L. D. F. Poore. Alternates—L. D. Lyon, W. O. Frazer, W. H. Donaldson.

Davison—H. C. Green, S. D. Cooke, S. F. Goodykoontz, J. D. Fegan, S. W. Rathburn, H. F. Alterton, John Pease, E. S. Johnson, George S. Bidwell,

John Foster, Douglas Leffingwell and W. H. Blackman.

Day—M. Moulton, E. H. Ruggles, O. A. James and B. F. Stringham.

Douglas—W. E. Tipton, George H. Woolman, J. J. Devy and F. E. Lawrence.

Grant—J. W. Bell, A. J. Blessner, A. Lewis, P. E. Skaken, A. Wardall, Wm. M. Evans, S. S. Lockhart, A. B. Smedley, O. J. Scheie, J. B. Whitcome, John Buzzell, H. Nash, J. R. Eastman, J. C. Drake, A. C. Dodge and J. C. Knapp.

Hand—B. F. Payne, R. P. Smith, E. S. Voorhies, C. E. Cort, W. H. Kephart, G. O. Hutson, G. W. Livingston and C. A. Wheelock.

Hanson—W. S. Arnold, L. P. Chapman, F. B. Foster and A. J. Parshall.

Hutchinson—A. Sheridan Jones, F. L. Eisenmann, Henry Heil, David Bellon, Karl Winter, S. M. Daboll and John Schamber.

Hughes—C. D. Mead, W. S. Wells, H. R. Horner, V. E. Prentice, C. W. Richardson, William Stough, H. E. Dewey and H. J. Campbell.

Kingsbury—J. C. Southwick, P. Lawrence, Thomas Reed, J. E. Risdorph, I. A. Keith, M. A. Brown, A. Whiting, J. A. Owen, D. C. Kline, L. F. Dow, J. C. Gipson and J. J. Sweet.

Lawrence—G. C. Moody, B. G. Caulfield, S. P. Romans, Porter Warner, W. L. Hamilton, S. B. Smith, A. J. Knight, G. G. Bennett, W. H. Parker, W. R. Steel, D. Corson, A. J. Harding, John R. Wilson, C. F. Tracey, W. H. Riley, H. M. Gregg, T. E. Harvey, H. O. Anderson, D. K. Dickinson, W. J. Laramer, Dolph Edwards, J. O. Gunsully, George F. Robinson, J. W. Garland, John H. Davey, Thomas Hartlan, Joseph C. Ryan and Joseph Ramsdal.

Lincoln—L. Hensley, A. B. Boynton, J. W. Taylor, E. B. Peterson, B. E. C. Jacobs, A. B. Wheelock, W. K. State, Lars Hilme, Robert Pierce, Elling Opsal, Thomas Wright, O. D. Hinkley, William Bradshaw, A. P. Dickson, George Conkling and William M. Cuppett:

Miner—H. Bronson, Mark Harris, G. A. Martin, J. P. Ryan, M. A. Moore, H. Weddy, F. Britain and W. G. James.

Sanborn—N. B. Reed, H. E. Mayhew, William McFarland, W. F. Kenfield, George Lawrence, F. W. Thaxter, C. H. VanTassel and C. H. Jones.

Minnehaha—R. F. Pettigrew, C. W. Hubbard, J. Schatzel, Melvin Grigsby, J. R. Jackson, John Langness, W. W. Brookings, E. W. Caldwell, C. H. Windsor, T. H. B. Brown, D. R. Bailey, B. F. Campbell, G. A. Uline, S. Wilkinsen, D. S. Glidden, C. E. McKinney, A. C. Phillips, T. S. Free and W. A. Wilkes.

Moody—H. M. Williamson, A. G. Bernard, William Ramsdell, T. E. Carter, R. Brennan, L. W. Sherman, F. F. Whalen, N. Vance, C. D. Pratt, John Hobart, A. P. Allen and Phil Clark.

McCook—J. T. McKee, J. M. Bayard, E. Thomas, E. H. Wilson, John F. Norton, J. E. Rutan, D. S. Pond and H. G. Miller.

Sully—P. B. Hoover, J. A. Meloon, J. M. Moore.

Spink—F. C. Warriner, C. H. Seeley, C. N. Keith, M. Moriarity, F. W. Rogers, J. H. Allen, J. J. Cushing, C. H. Reedan, R. B. Hassel, E. W. Foster, C. D. Friberg, J. M. Miles, C. T. Howard and E. B. Korn.

Turner—Rev. L. E. Newell, Rev. J. B. Currans, J. A. Hand, Rev. J. P. Coffman, A. T. Cathcart, G. W. Perry, Rev. Harmalling, Rev. Warnsus, Jackson Davis, G. L. Douglas, Joel Fry, Rev. N. Tychsens, J.

B. Beebe, Rev. T. H. Judson, S. F. Andrews and Mr. Parr.

Yankton—Joseph Ward, Bartlett Tripp, George Brown, C. J. B. Harris, G. W. Kingsbury, J. R. Gamble, Wilmot Whitfield, Newton Edmunds, J. R. Hansen, Fred Schnauber, Maris Taylor, E. Miner, George H. Hand, I. E. West, S. A. Boyles and S. H. Gruber.

Union—C. H. Walworth, George B. Freeman, J. D. Cittal, George Ellis, Jesse Akin, N. A. Kirk, Henry Kiplinger, Joseph Yerter, M. W. Sheafe, Adam Scott, Harry Mosier, J. G. Merrill, Thomas Roman, C. F. Mallahan, Halvore Knudson and Rev. Joseph V. Himes.

Potter—O. L. Mann.

Faulk—J. A. Pickler, L. VanHorn and J. H. DeVoe.

Campbell—S. S. Bassett.

Buffalo—E. A. Herman.

Hyde—M. G. Simon, E. O. Parker and L. E. Witcher.

Committee on permanent organization appointed and report as follows:

President—Hon. B. G. Caulfield, Lawrence county.

Secretaries—Philip Lawrence, Kingsbury; W. B. McChesney, Brown; C. C. Mallahan, Union; John Cain, Beadle; and V. E. Prentice, Hughes.

Vice Presidents—Rev. Joseph Ward, Yankton; Hon. F. M. Goodykoontz, Brule; C. D. Pratt, Moody; R. F. Alterton, Davison; D. R. S. Smith, Hand; A. H. Lewis, Grant; D. C. Thomas, Codington; Wm. M. Cuppett, Lincoln; J. J. Devy, Douglas; John Todd, Bon Homme; Col. Kimball, Clay; F. B. Foster, Hanson; E. W. Foster, Spink; C. A. Kelsey, Brookings. The report was adopted.

Committees were appointed on rules and order of business, resolutions, apportionment, address to the people and on publication of proceedings of convention. * * * * *

The committee on resolutions reported through its chairman, Hon. Hugh J. Campbell, the following resolutions and ordinance, in substance, which were adopted:

RESOLUTIONS.

WHEREAS, The people of Dakota residing south of the forty-sixth parallel of latitude have, in response to a call issued by the executive committee appointed for that purpose by the convention of the people held at Canton June 21st, 1882, elected delegates to this convention, held at Huron, June 19th, 1883. And

WHEREAS, The delegates so elected have been chosen by the people to express the will of the people upon the question of the division of the territory and of the formation of a state out of that part thereof south of the forty-sixth parallel of latitude, and also upon the time and manner of the formation of a state government. * * * *

WHEREAS, This convention represents the wishes and interests of the people upon these questions and is the representative body which has been empowered to give expression to such wishes and interests of the people, therefore be it

RESOLVED, by the representatives of Dakota in this convention assembled in the name and by the authority of the people here represented, that the interests and wishes of the people of Dakota demand a division of the territory on the forty-sixth parallel of latitude; that on this measure the wishes of the people who live south of this parallel are unanimous,

and that this is their fixed and unalterable will.

RESOLVED, that the compact contained in the ordinance of 1787 has been extended over the people of Dakota by five successive acts of congress guaranteed to them absolutely and inviolably the right to form a permanent constitution and state government whenever said territory shall contain sixty thousand free inhabitants.

RESOLVED, That the treaty by which the Louisiana Purchase was acquired, which is the supreme law of the land, guarantees to the people of Dakota Territory as absolutely and inviolably as the ordinance of 1787, that they shall be incorporated in the union of the states and admitted as soon as possible according to the principles of the Federal constitution, to the enjoyment of all the rights, advantages and immunities of citizens of the United States.

RESOLVED, That by the decision of the supreme court of the United States, the people of Dakota are declared not to be a colony or province, subject to be governed permanently or at the pleasure of congress, but as a territory with two hundred and fifty thousand people and a territory of about eighty thousand square miles, they have under the constitution and by virtue of the said treaty and the ordinance of 1787, and five successive acts of congress, an unalienable, indefeasible and absolute right to self government.

That they have the same inherent power and unalienable and indefeasible right, as are solemnly and formally asserted for the people of the United States in the Declaration of Independence, and reserved to them by the constitution, and by the Bills of Rights of the several states, to alter, reform or abolish their government in such manner as they may think proper.

RESOLVED, That the territory of Dakota lying south of the forty-sixth parallel of latitude has a present population of more than two hundred and fifty thousand people and will at its present rate of increase, in another twelve months, have over three hundred thousand people, which is more than double the population of any territory heretofore admitted as a state into the Union, and more than that of seven of the original states at the time of their admission; that it covers an area of eighty thousand square miles, which is larger than that contained in any state in the Union except seven.

That with these boundaries the state of Dakota will be the eighth state in the Union in area, and will cover an area equal to that of all the states of New England, and New Jersey and Delaware with eight thousand three hundred and twenty square miles in addition. * * * *

RESOLVED, That the experience of the past has demonstrated that the most important need of the people of Dakota now, is responsible government; a government responsible to the people, elected by the people, and acting for the people; that unless such a government is obtained speedily, we have good reason to apprehend lasting and remediless injury to the institutions and future welfare of the commonwealth, and that this question should, and will become the sole and vital issue, before all other issues, with the people of Dakota until it is determined. * * * *

Therefore the people of that part of Dakota by virtue of their population, their territory, their constitutional rights and the inviolable guarantees of treaties, ordinances and laws of congress and the will of the people ARE A STATE, and ought without further delay to form a state constitution and a state

government, and apply for admission into the union of states.

And that the will of the people thus solemnly and authoritatively declared, was unwisely and unjustly defeated by the governor, when he neglected to sign said bill, (referring to a bill for an act providing for a constitutional convention,) and return it to the house in which it originated with his objections that it might be reconsidered and passed notwithstanding such objections, and that this act of the executive was contrary to the universal wish and best interests of all the people of Dakota.

RESOLVED, That the people having been by this action of the governor deprived of the ordinary means of declaring and executing their lawfully ascertained and expressed will, have full and unquestioned right and authority to fall back upon, and exercise, the reserved rights and ordinary powers vested in them and have therefore, for that purpose, full power to call and create a constitutional convention a constitution and a state government by their spontaneous action, and by such methods and instrumentalities as they may in their primary and sovereign capacity establish and ordain to that end with a view to a speedy admission into the Union.

RESOLVED, That it is the sense of this convention, and the will of the people, that a constitutional convention shall be called to meet as soon as possible to frame a state constitution and submit the same to the people of that portion of Dakota lying south of the forty-sixth parallel for their adoption.

RESOLVED, That this convention, being empowered by the people of Dakota for that purpose, do call a convention of delegates to be elected by the people of that part of Dakota south of the forty-sixth par-

allel to meet on the 4th day of September, 1883, at 12 o'clock, noon, at the city of Sioux Falls to there form a state constitution for the state of Dakota, and submit the same to the people for adoption.

ORDINANCE.

The ordinance declared: That experience had demonstrated that the welfare of the people is promoted and only secured by a permanent government, sovereign in character and republican in form, and responsible to the people; * * * that according to the determination of the supreme court of the United States the territory of Dakota was acquired and could be acquired only for the purpose, and upon the condition, that it should be admitted into the Union as a state as soon as its population and situation entitled it to admission, and that congress has no legal power to hold and govern the territory permanently, in the character of a territory; * * * that it had been determined by the courts, by the precedents of thirteen states, by the sanction of congress, and by the approval of the presidents, from Washington down, that the people of the territory, qualified for state government, have the right in their primary and sovereign capacity * * * to proceed to form their state constitution and state government and apply for admission into the Union; that the proposed state of Dakota will be the eighth state in the Union in area and will cover an area equal to that of all New England, and New Jersey and Delaware with eight thousand and three hundred and twenty square miles in addition; that the people of Dakota, by virtue of their population, their resources, their territory, their constitutional rights and the guarantees of treaties and the compacts of the ordinance of 1787, and the will of the

people, are a state, and ought without further delay, to form a state constitution and a state government, and ask admission into the Union; that the experience of the past has demonstrated that the most important need of the people of Dakota now is a responsible government; a government responsible to the people, elected by the people and acting for the people; that unless such government is obtained speedily we have good reason to apprehend lasting and remediless injury to the institutions and the future welfare of the commonwealth, and this question should and will become the sole and vital issue before all other issues with the people of Dakota until it is determined.

Then follows a reference to a bill which passed the legislature of 1883 providing for a constitutional convention for that part of the territory south of the forty-sixth parallel, which failed to become a law by reason of the governor's non action, and proceeds with:

The people having been thus deprived of the ordinary means of declaring and executing their rightful will have full and unquestioned right and authority to fall back upon and exercise the reserved rights and extraordinary powers vested in them and have therefore for that purpose called and created the convention which promulgated this ordinance * * * therefore; Be it resolved and ordained by the people of Dakota, through their delegates in convention assembled;

Here follows a call for a convention to meet at Sioux Falls on Tuesday, September 4th, A. D. 1883, at 12 o'clock meridian for the purpose of framing a state constitution and doing all other things essential to the preparation of the part of the territory in question for making application to the general gov-

ernment for its admission into the Union of states. Provision was made that the convention should consist of one hundred and fifty members and the apportionment be as follows:

Aurora county three delegates; Beadle, four; Bon Homme, four; Brookings, five; Brown, seven; Brule, three; Butte, one; Buffalo, one; Campbell, McPherson and that portion of Dickey, McIntosh and Inman south of the forty-sixth parallel, one; Clark, two; Charles Mix, two; Clay, four; Codington, five; Custer and Fall River, one; Davison, four; Day and that part of Sargent south of the forty-sixth parallel, three; Douglas, two; Deuel, three; Edmunds, one; Faulk, one; Grant, four; Hand, four; Hamlin, two; Hanson, three; Hutchinson, four; Hughes, four; Hyde, one; Jerauld, one; Kingsbury, four; Lake, three; Lawrence, nine; Lincoln, seven; Miner, three; Minnehaha, eight; Moody, four; McCook, three; Pennington, two; Roberts, one; Potter and Sulley, two; Spink, five; Sanborn, two; Turner, four; Union, five; Walworth one, and Yaukton seven.

It was provided that an election for delegates to the convention should be held on August 1st, 1883, and provision was made for the manner of the election, the organization and work of the convention, for the submission of the constitution to the voters at the general election of 1883, and directed the constitutional convention to provide the manner of presenting the constitution made by it to the congress of the United States. A State executive committee constituted of one member from each organized county and one from the proposed state at large was appointed and vested with power to perform all things necessary to carry into effect the provisions of the

ordinance by appointing a county board in each county to take charge of the election, returns of election etc. therein, and to do such other things as were necessary to carry forward the movement towards statehood to the point when the constitutional convention should assemble, and a committee, of which Hon. Bartlett Tripp was named as chairman, on address to the president and congress was appointed. The committee on address to the people of Dakota, Hon. E. W. Caldwell chairman, made the following report, which was adopted:

TO THE PEOPLE OF DAKOTA:—

When the sentiment becomes unanimous in the minds of a quarter of a million of patriotic, liberty loving, law abiding, God-fearing people that there are certain rights to which they are entitled, but of which they are deprived, common fairness and common decency demand that respectful attention and consideration should be given to their claims for the exercise of those rights and privileges.

For the purpose of emphasizing and formally promulgating the claims of which the people of the southern portion of Dakota make in the matter of statehood, and its rights and privileges, a convention of three hundred and fifty delegates chosen from her several counties, met at Huron, June 19th, 1881, there being a full representation from every organized county but three, and from a number of counties not yet organized. These representatives were chosen by the several counties upon the definite issue of taking steps for securing statehood for that portion of the territory designated. In convention assembled they, as the duly elected representatives of two hundred and fifty thousand people, unsurpassed for intelligence and patriotism, most solemnly and with one

voice declared it to be the unalterable and absolute demand of the people that they be vouchsafed the exercise of those rights promised them as citizens of these United States whenever they should number sixty thousand souls, guaranteed to them by solemn treaty at the time the region, a portion of which they occupy, became a part of the domain of the United States, asserted for such as they by the fourteen commonwealths, and guaranteed to them by every precedent that can possibly be considered as bearing upon the issue.

It is but just and right, and in due deference to the sisterhood of which southern Dakota desires to become a part, that the said convention should state some of the grounds upon which her claim is based, not only that those who might oppose it may have knowledge of their error but that the people themselves may more fully comprehend and realize what are their rights in the premises, and what is the necessity for their prompt and unswerving and persistent assertion of those claims and the enforcement thereof by all and every means which individual and organized efforts can devise or execute. And it is for the purpose of supplying this information that the convention has directed the preparation of this address.

In the first place let it be understood and known of all men that not a single feature of anything that is contemplated is any departure from due and ordinary process as recognized by the highest law of the land by the repeated interpretations thereof by the most eminent judicial authority, and by the practices and customs which have prevailed from the earliest periods of our Federal history. The entire movement which the southern half of Dakota is making today,

in attempting to secure statehood, is pure and simple patriotism.

The people of the southern portion of Dakota ask at the hands of the United States the division of the territory, upon the forty-sixth parallel, and the admission of their half into the Union—they ask it as an unquestionable right.

They ask division because the domain thus allotted to them would even then be larger than thirty other states in the Union and its boundaries would be sufficient to contain the whole of the six New England states, or half of the four Middle states, and with resources capable of maintaining a population of ten millions, and today contains more than four times the number of inhabitants required by the federal ordinance of 1787.

They ask it because the interests commercial and otherwise, of the different sections of the new Northwest extend in an east and west direction, and that therefore there is nothing to join the interests of southern Dakota with those of the section from which she wants to be dissolved.

They ask it because the genius and characteristics of the two peoples are as different as could well be imagined—that of southern Dakota being a people of homesteaders and steady going citizens comparatively content with the days of small things and themselves directly interested in the conduct of public affairs; while affairs in northern Dakota are more directly in the hands of large capitalists and extensive operators and speculators who are able to dictate the policy of the region by their influence upon the large bodies of farming people in their employ or under their control. No commonwealth could be satisfactorily managed wherein two elements so diverse might be joined.

They ask it because they have the right to so organize their government that the expenses thereof shall be less burdensome and experience demonstrates that the rate of taxation for state purposes is much less in small commonwealths than in the larger ones—statistics proving that while the assessments for such purposes in Delaware and Rhode Island is only ten mills on the dollar, it is in New York twenty one mills and Illinois twenty four.

They ask it because the records of legislative enactments show that it is impracticable to establish laws which shall be of uniform operation throughout two sections of a commonwealth of such diverse interests and pursuits as north and south Dakota.

They ask it because the proposed area of the state is as large as permits economy of government and the free and fair exercise of the political privileges of a good people; for that to organize into one state so large an area as the present Territory of Dakota practically precludes the poor man from participating in its conventions and managements, thus tending to make it only a rich man's government, which is contrary to the liberty and spirit of our institutions.

And furthermore on behalf of the principles enunciated in the Declaration of Independence, and in behalf of law and precedent as established by congress and recognized by our courts we do declare that the right indisputably rests with the people to define their own boundaries and adopt their own state constitution because the compact contained in the ordinance of 1787 which has been extended over the people of Dakota by five successive acts of congress guarantees absolutely and inviolably to them the right to form a permanent constitution and a state govern-

ment whenever said territory shall contain sixty thousand free inhabitants.

Because the treaty by which the Louisiana Purchase was acquired which is "the supreme law of the land" guarantees to the people of Dakota Territory as absolutely and inviolably as the ordinance of 1787, that they shall be incorporated in the union of states, and admitted as soon as possible according to the principles of the federal constitution.

Because the highest judicial authority in the land has solemnly declared that congress has no just power to hold and govern this people permanently in the character of a territory.

Because these rights and privileges have heretofore been recognized and given to a large number of the existing states, among them being Tennessee, Arkansas, Michigan, Florida and Iowa.

Because we are now deprived of the privileges of American citizenship, on account of the wide expanse of our domain and the limited and inadequate judicial system consequent upon the territorial condition; for that the writ of habeas corpus is practically suspended in large portions of the commonwealth, and other extraordinary legal remedies are not readily attainable, and on account of the great expense made necessary by the long distance which parties and their witnesses are in many cases compelled to travel to reach the courts to attend trials.

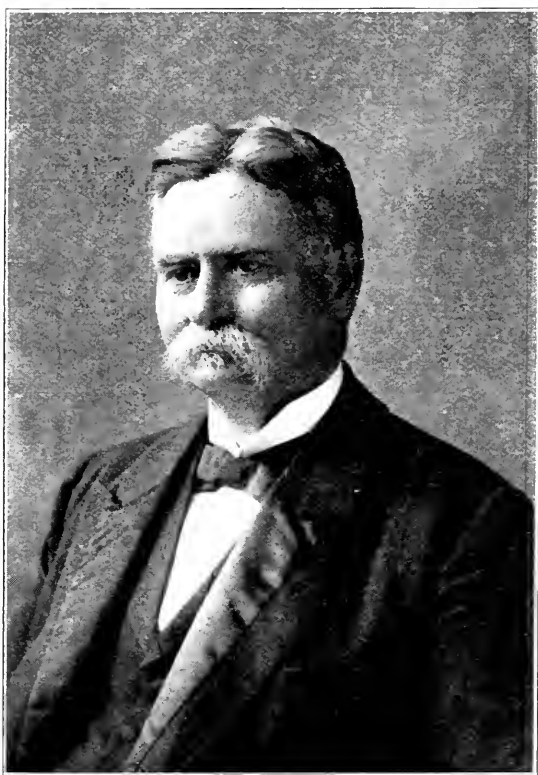
Because if admission be longer delayed the supply of public lands will be so nearly exhausted that the state cannot receive from the general government the grants for public purposes which by the custom and precedents in other cases have been so justly given to new states; for that on account of the rapid development of Dakota, settlement is going in advance

of the public surveys, thus absorbing lands designed for school and other purposes, which it will be impossible to replace.

Because the people of Dakota on whom the right of self government inherently rests, have repeatedly through acts and memorials of the legislatures, through their representatives in three several conventions for that purpose spontaneously assembled, and through their entire press, declared their will and determination that Dakota south of the forty-sixth parallel should become a state.

Now therefore, in view of the great interests at stake and that our rights may be maintained and division and statehood secured, this convention appeals to every citizen of Dakota south of the forty-sixth parallel to give his vote and influence for delegates to the constitutional convention to meet September 4th, 1883, and spare no effort that honest, able and loyal men shall be chosen to represent them and that the support they may receive at the polls shall demonstrate our numbers and patriotism so that the constitution framed shall reflect our intelligence and guarantee our rights, privileges and immunities as American citizens.

In pursuance of the ordinance adopted by the Huron convention an election for delegates to the constitutional convention was held throughout that part of Dakota territory south of the forty-sixth parallel of latitude in which deep interest was taken and the delegates thus elected assembled at Sioux Falls on September 4th, 1883. They organized by the election of Hon. Bartlett Tripp as president, C. H. Winsor as secretary and H. M. Avery reading sec-



HON. BARTLETT FRIPP,

retary. Rules and order of business were adopted and the following committees were appointed:

Judiciary—Moody of Lawrence, Kidder of Clay, Dollard of Bon Homme, Gifford of Lincoln, Grigsby of Minnehaha, Sterling of Spink, Westover of Sully and Potter, Harris of Yankton, Wood of Pennington, Mellette of Codington, Lichtenwaller of Hughes, Murray of Lake, Cheever of Hamlin, Farmer of Miner, Dawson of Clay.

Executive—Kellam of Brule, Reed of Beadle, Turner of Bon Homme, Kelsey of Brookings, Duncan of Brule, Whiteside of Clay, Murphy of Grant, McDonald of Kingsbury, Harvey of Lawrence.

Legislative—Kidder of Clay, Gamble of Yankton, Taylor of Lincoln, Elrod of Clark, Pettigrew of Minnehaha, Gatchell of Deuel, McCoy of Bon Homme, Keith of Spink, Day of Edmunds.

Bill of Rights—Melville of Beadle, Brooks of Yankton, Clevenger of Brookings, Johnson of Brown, Sherwood of Clark, Pease of Davison, Howell of Hand, Harvey of Lawrence, Hayes of Hamlin.

Elections and Right of Suffrage—Jones of Hutchinson, Kennelly of Aurora, Wheelock of Codington, Gunderson of Union, Bannister of Minnehaha, Lothian of Grant, Johnson of Brown, Hunt of Spink, Knight of Lawrence.

Name, Boundary and Seat of Government of State—Allen of Turner, Brooks of Yankton, Whiteside of Clay, Houghton of Brown, McCoy of Bon Homme, Knight of Lawrence, Winter of Hutchinson, Bannister of Minnehaha, Spicer of Codington.

Federal Relations—Brookings of Minnehaha, Baum of Aurora, Daboll of Hutchinson, Bippus of Minnehaha, Bronson of Miner, Knox of Faulk, Aken of Union, Warner of Lawrence, Burman of Grant.

Education and School Lands—Moulton of Day, Ward of Yankton, Daboll of Hutchinson, Eakin of Sully and Potter, Thorne of Minnehaha, Conklin of Lincoln, Whiting of Sanborn, Hunt of Spink, McDonald of Kingsbury.

Municipal Corporations—Murray of Lake, Baker of Aurora, McVey of Brookings, Adams of Brown, Monaghan of Deuel, Still of Turner, VanVelser of Hughes, Allen of Moody, Wheelock of Lincoln.

Corporations other than Banking or Municipal—Mellette of Codington, Hand of Yankton, Wood of Pennington, Caulfield of Lawrence, Boynton of Lincoln, Kellam of Brule, Melville of Beadle, Brookings of Minnehaha, Waterhouse of Davison.

County and Township Organization—Keith of Spink, Campbell of Minnehaha, Epple of Turner, Cort of Hand, Kennelly of Aurora, Schwindt of Brule, Chapman of Hanson, White of Miner, Lane of Beadle.

State, County and Municipal Indebtedness—Pettigrew of Minnehaha, Rudolph of Lincoln, Ruggles of Day, Edwards of Lawrence, Winter of Hutchinson, Murphy of Grant, Compton of Union, Lucas of Charles Mix, Eakin of Sully and Potter.

Revenue and Finance—Pierce of Codington, Bippus of Minnehaha, Foster of Spink, Tatman of Davison, Conklin of Lincoln, Turner of Bon Homme, Wentworth of Lake, Miller of Hand, Brooks of Yankton.

Public Accounts and Expenditures—Boynton of Lincoln, Thorne of Minnehaha, Simpson of Douglas, Daly of Lake, Pease of Davison, Wheelock of Codington, Kelsey of Brookings, Whalen of Moody, McDonald of Jerauld.

State Institutions and Public Buildings including Penitentiaries and other Reformatory Institutions—

Ziebach of Bon Homme, Spicer of Codington, Sherman of Lincoln, Chapman of Hanson, Miller of Hand, Aken of Union, Converse of Sanborn, Simpson of Douglas, Thorne of Minnehaha.

Manufactures and Agriculture—Mitchell of Brookings, Wheelock of Lincoln, Lovering of Minnehaha, Peek of Hanson, Berteson of Turner, Schlinggen of Hutchinson, Kimball of Clay, Smith of Kingsbury, Brooks of McCook.

Congressional and Legislative Apportionment—Gifford of Lincoln, Pettigrew of Minnehaha, Gamble of Yankton, McCoy of Bon Homme, Pierce of Codington, Lake of Pennington, Sterling of Spink, Ward of Hughes, Foster of Hanson.

Mines, Mining and Water Rights—Caulfield of Lawrence, Wood of Pennington, Knight of Lawrence, Burridge of Deuel, Johnson of Brown, Ryan of Lawrence, Sherman of Lincoln, Campbell of Yankton.

Roads, Bridges and Other Internal Improvements—Elliott of Grant, Boynton of Lincoln, Sherwood of Clark, Wellman of Moody, Callahan of Douglas, Adams of Day, Daly of Lake, Whiteside of Clay, Scheffler of Beadle.

Exemptions, Real and Personal—Williamson of Moody, Rudolph of Lincoln, Baum of Aurora, Peek of Hanson, Grant of Brown, Gatchell of Deuel, Cort of Hand, Allen of Turner, Herman of Buffalo.

Rights of Married Women—Monaghan of Deuel, Parker of Lawrence, Rutan of McCook, Knox of Faulk, Daboll of Hutchinson, VanVelsor of Hughes, Lewis of Kingsbury, Conklin of Lincoln, Herman of Buffalo.

Military Affairs—Brayton of Hand, Campbell of Minnehaha, Kimball of Clay, Dollard of Bon Homme, Moody of Lawrence, Campbell of Yankton, Foster of Spink, Duncan of Brule, Terrell of McCook.

Seal of State, Coat of Arms, and Design of Same—Foster of Hanson, Ward of Yankton, Jones of Hutchinson, Moulton of Day, Cort of Hand, Lawrence of Kingsbury, Caulfield of Lawrence, Williamson of Moody, Dollard of Bon Homme.

Banking and Currency—Lake of Pennington, Turner of Bon Homme, Taylor of Lincoln, Warner of Lawrence, Grigsby of Minnehaha, Turner of Miner, Qualey of Brookings, Elrod of Clark, Lewis of Kingsbury.

Amendments and Revision of the Constitution—Lawrence of Kingsbury, Ruggles of Day, Spicer of Codington, Dawson of Clay, Mallahan of Union, Lucas of Charles Mix, Waterhouse of Davison, Clevenger of Brookings, Baker of Aurora.

Printing—Mallahan of Union, Warner of Lawrence, McDonald of Jerauld, Wells of Hughes, Kieth of Spink, Rutan of McCook, Ziebach of Bon Homme, Lane of Beadle, Howell of Hand.

Schedule—Campbell of Yankton, Hager of Davison, Wood of Pennington, Kellam of Brule, Howell of Hand, Dollard of Bon Homme, Lawrence of Kingsbury, Melville of Beadle, Mitchell of Brookings, Edwards of Lawrence, Pierce of Codington, Williamson of Moody, Baker of Aurora, Dawson of Clay, Day of Edmunds, Foster of Hanson, Ward of Hughes, Wheelock of Lincoln, Mallahan of Union, Foster of Spink, Moulton of Day, Allen of Turner.

Miscellaneous Subjects—Houghton of Brown, Harvey of Lawrence, Smith of Kingsbury, Johnson of Hyde, Winter of Hutchinson, Brayton of Hand, Callahan of Douglas, Still of Turner, Elrod of Clark.

Compensation of Public Officers—Ward of Hughes, Grigsby of Minnehaha, Mitchell of Brookings, Harris of Yankton, Kellam of Brule, Hager of Davison, Lo-

Union of Grant, Whalen of Moody, White of Miner.

Arrangement and Phraseology of the Constitution—Hager of Davison, Hand of Yankton, Moody of Lawrence, Gamble of Yankton, Taylor of Lincoln, Mellette of Codington, Ziebach of Bon Homme, Bronson of Miner, Westover of Sully and Potter.

The convention, and all proceedings leading up to it, were strongly non partisan, public spirited and patriotic and many hoped this would result in a provision for the election of state officers and members of both branches of congress, and that Hon. Gideon C. Moody and Hon. Bartlett Tripp, leaders of the territorial bar and eminently qualified in ability and character, would be our first United States senators.

The convention made an excellent constitution as the result of its sixteen days diligent and conscientious deliberations, but concluded it was the part of wisdom to make no provision for the establishment of a state government at that time. It was my intention when I started out with the publication in this book of matter relating to a constitution to set forth the constitution in full, but I find it will require too much space, hence I have concluded to omit it and compensate for its omission later by comparison of its features with those of the constitution made by the convention of 1885, under which, with slight changes, our state was admitted into the Union.

One of the striking features of the constitutional convention of 1883 was the leadership of every shade of political and reformatory opinion that it contained, and the toleration and harmony which characterized its members; but a single appeal was taken from the rulings of the chair throughout the proceedings of the convention and in that instance the ruling was sustained by a prompt and decisive vote.

Among the members of that convention and of the Huron convention which preceded it were many who had occupied distinguished positions in public life or did so later. Hon. B. G. Caulfield, a prominent member of the Lawrence county bar, had represented a democratic district of Chicago as a leading member of congress for many years.

Hon. Bartlett Tripp was made chief justice of the territory in 1885, and served as such until the state he was prominent in laying the foundation of was admitted into the Union. Later he was envoy extraordinary and minister plenipotentiary of the United States to the Austrian Empire, by appointment of President Cleveland, and served nearly five years, and still later, by appointment of President McKinley, he was made a member of the High Joint Commission, to settle the Samoan question, pregnant with war between the United States, Great Britain and Germany. Baron Speck von Sternberg, the present ambassador of Germany to the United States was the representative of his country on the commission and Sir Charles Elliott the representative of Great Britain. Judge Tripp was elected chairman by his associates and Edwin V. Morgan, his private secretary, now minister to Cuba, was elected secretary. The question this commission was appointed to settle grew out of a tripartite agreement between the United States, Great Britain and Germany to jointly administer the affairs of the Samoan Islands under a native king and involved the title of the king, the United States and British authorities on the islands recognizing one of the natives as the king and the German authorities another, which brought on hostilities that resulted in the death of many persons, among them several American and English officers

and soldiers who were beheaded in accordance with the Samoan custom and their heads brought into camp as trophies of war. This procedure was claimed by the British and Americans on the islands to have been countenanced and encouraged by the Germans and bid fair when the commission was appointed to bring the nations interested into a warlike attitude. But the commission having full authority and ample exhibition of the war power of these nations to convince the natives of their ability to make a fair settlement of the matter succeeded in settling it peacefully to the entire satisfaction of all concerned.

Hon. Hugh J. Campbell was a distinguished Union soldier in the civil war; a judge of a court of general jurisdiction in Louisiana after the war and a major general of the militia of that state and later United States attorney for the Territory of Dakota for eight years. Hon. G. C. Moody had been associate justice of the territorial supreme court and later was one of South Dakota's first United States senators, and Hon. R. F. Pettigrew was the other. Judge Kidder was on the supreme bench and had been in congress. Hon. O. S. Gifford was the territorial delegate in congress for several terms after 1884. Hon. Melvin Grigsby became attorney general of the state of South Dakota, colonel of a Rough Rider regiment in the war with Spain and later United States attorney for Alaska. Hon. Thomas Sterling became a leading state senator and is now dean of the law department of the University of South Dakota. Hon. Arthur C. Mellette became governor of South Dakota and served two terms. Hon. A. J. Kellam became a judge of the South Dakota supreme court and was twice elected to that position, the first term for four and the second term six years. Hon. J. R. Gamble was elected to

congress from South Dakota, but died before the opening of its first session. Hon. Samuel Elrod is at present governor of the state of South Dakota. Hon. George H. Hand had been secretary of the Territory of Dakota and acting governor. Rev. Dr. Ward was president of Yankton College, one of the ablest and best men in the state. To know him was to love and admire him. Hon. M. J. Gordon became a judge of the supreme court of the state of Washington. Hon. G. G. Bennett had been a member of congress from Dakota Territory and one of its supreme court judges. Hon. W. H. Parker is now a candidate for, and will be elected to, congress. Hon. W. R. Steele had been a delegate to congress from Wyoming. Hon. E. W. Caldwell had been the leading newspaper man of the territory since the time when the memory of man runneth not to the contrary, and during that time no republican gathering was complete without "Cal." Hon. Newton Edmunds had been governor of the territory. Hon. Maris Taylor was later surveyor general of South Dakota. Hon. John A. Pickler served as a congressman for South Dakota several terms. Hon. M. W. Sheafe was made a brigadier general in the war with Spain, and the history of South Dakota, published by Doane Robinson, says of the Huron convention that "It was one of the strongest bodies of men ever assembled in Dakota," and of the constitutional convention at Sioux Falls "It embraced in its membership most of the names of South Dakotans who are best known for wisdom and public spirit."

AN ADDRESS

To the President and Congress of the United States,
presented by HON. BARTLETT TRIPP, Chairman
of the Committee appointed for that purpose by
the Huron Convention:

In accordance with a resolution of a convention held at Huron, D. T., on the 19th day of June, A. D. 1883, to take into consideration the question of calling a constitutional convention and asking admission as a state of that portion of Dakota Territory lying south of the forty-sixth parallel of latitude, the undersigned committee appointed by said convention to present to the president and congress the special reasons upon which the people base their action, and their claims to admission as a state, beg leave to present to your consideration:

That all portions of Dakota Territory, with few, if any, exceptions, desire a division of the territory upon the forty-sixth parallel, and all of that portion south of said parallel, are, without exception, in favor of admission as a state.

The people of south Dakota ask this not as slaves and suppliants, but as free American citizens demanding their rights of an American congress. They come not as colonies demanding separation from an unjust and tyrannical government, but they come as minor children attaining their majority, demanding the same rights and privileges accorded to their older brothers and sisters—and which rights ought to be on the part of the nation as much a privilege and pleasure to grant as on the part of the infant state to receive.

We recognize the fact, therefore, that our duty consists in presenting to the general government that

we have the desire and the ability to govern ourselves.

Do the people desire division and admission?

The question of division is almost as old as the territory itself. The settlement of Dakota commenced almost simultaneously in the two extreme portions of the territory, to-wit: In what is now Union county in the extreme south east, and what is now Pembina county in the extreme north east corner of the territory. These settlements gradually extended, encouraged by the early building of the Northern Pacific and the Dakota southern railroads and their tributaries, many hundred miles apart and traversing districts of country as unlike and distinct in their general characteristics, as the people who settled and occupied the same. The north has become from climate and circumstances controlling its early settlement, one great wheat field rented and cultivated in large tracts, while the south is a pastoral and agricultural region divided into small farms, occupied and cultivated by the owners of the soil.

The march of settlement has been directly west. The great trade centers of St. Paul and Minneapolis have reached out directly for the great New Northwest and the products of her soil have made necessary and built up the great flouring mills of Minneapolis and the great commercial metropolis of St. Paul, while the trade and commerce of southern Dakota connects her directly east with Chicago and more southerly with St. Louis.

All the new lines of railroad projected and built into Dakota follow the same east and west course, parallel with each other, with no roads running north and south except here and there a connecting link between friendly lines. There is not today and for some time to come there will not probably be any

connection by rail between northern and southern Dakota, except through Minneapolis and St. Paul, Minn.

These people have settled Dakota, emigrating generally from the same parallel of latitude. They came with different tastes and habits of life; they settled countries unlike in climate and character; they early imbibed the prejudices of the two sections against each other, and have conceived and propagated the idea and belief that the two sections would become separate and independent states.

The legislation of Dakota has been marked from the beginning with this popular idea. The public institutions of the territory have been located in southern Dakota until more recently by action of the last legislature, similar institutions were provided for in the north, but all looking to a future separation.

Nearly every legislature of the territory fresh from the people has memorialized congress for a division of the territory on the forty-sixth parallel. In 1870 we find the legislature making use of the following language in its memorial to congress:

“Your memorialists would further represent in evidence of this, our petition, that while the said new territory is remote from the main line of travel in southern Dakota, and is separated therefrom by a broad extent of unoccupied and wild country, yet the Northern Pacific and St. Paul and Pacific railroads will traverse the entire length of the proposed new territory, giving it direct and easy communication with Minnesota and other states, by means of which several thousand people have already settled in the valley of the Red River of the North and other portions of the proposed new territory, in which are established towns at a distance of fifteen hundred miles

by the nearest traveled route from the capitol and courts of Dakota. * * * * That no direct line of communication is now, or will for many years, be opened across the plains, connecting the two remote sections of Dakota, so long as the Pacific railroad gives to the proposed new territory such advantages of trade and travel with Minnesota, the lakes, and the east, as is now possessed by that section of the northwest.

“Your memorialists would further represent that said portion of Dakota comprises an area of territory equal to about fifty millions of square acres, or about one-half the present territory of Dakota. * * * That all the guards of law and courts afforded by a separate territorial government should be extended to the already populous settlements of the proposed new territory. As in duty bound your memorialists will ever pray.”

And that substantially the same memorial was again presented to congress by the legislatures of 1872-3, 1874-5, and others subsequent, and this without any remonstrance from any quarter; legislature after legislature has memorialized congress to divide the territory on the forty-sixth parallel; the press without dissent has advocated it; bill after bill has been introduced in congress by our delegates, backed by petitions of our people and memorials of our legislatures, for this purpose. So that it may be put down as a conceded fact that not only do the people desire a division of the territory, but that nothing short of a division on the forty-sixth parallel will satisfy them, and it may be stated with safety that the people, whom we have no doubt the congress desires to consult in a matter so much of interest to them, will not be satisfied nor content with any division of their ter-

ritory that places a section of north and south Dakota under the same state government.

The question of admission is one of more modern date, but has been agitated for several years past.

It was freely discussed in the political campaigns of 1876, 1878, and 1880 throughout the territory. County and territorial resolutions were adopted during these years, looking to the admission of southern Dakota as a state, and bills were introduced in congress by the delegates for the same purpose, but the first direct and general action taken on the part of the people was a convention held at Sioux Falls on the 25th day of January, 1882. This was a convention of about seven hundred of the representative men of that portion of Dakota south of the forty-sixth parallel. Enthusiastic speeches were made, resolutions were passed, and delegates were selected from every county of southern Dakota, to urge upon congress the immediate necessity of division, and admission of southern Dakota as a state.

A similar convention was held about the same time in northern Dakota, and similar resolutions adopted, and delegates were also selected to visit Washington for the same purpose. These delegates from both north and south Dakota did visit Washington and press the claims of all Dakota for immediate division on the forty-sixth parallel, and the admission of the southern half as a state. The introduction of such bills into congress and their subsequent failure of passage are now matters of history.

Dakota was neither admitted nor divided, but the same unity of feeling that was then exhibited between the north and the south, for division on the forty-sixth parallel, and the admission of the southern part as a state, so far as any public acts or public

expression of opinion is known, still continues.

The next direct step taken by the people toward statehood was a convention held at Canton in Lincoln county, D. T., on the 25th day of June, 1882. This convention was called by the people in view of the bill then pending in congress for the admission of the southern portion of Dakota as a state, to take into consideration certain questions to be submitted as a part of the constitution of the new state. It was a convention of leading citizens, representative men of the various sections of Dakota south of the forty-sixth parallel. It passed a large number of resolutions and adjourned to meet at Huron in the county of Beadle, subject to the call of an executive committee appointed by that convention.

This executive committee subsequently in March 1883, issued a call for a convention to assemble on the 19th day of June, 1883, composed of delegates from each county south of the forty-sixth parallel, apportioned according to population, to consider the question of calling a constitutional convention for that portion of Dakota south of the forty-sixth parallel—to draft a state constitution to be submitted to the people and presented to congress upon which to ask admission as a state.

This convention assembled at Huron on the 19th day of June, 1883, in accordance with such call; over four hundred delegates being present; every county south of the forty-sixth parallel, with perhaps the exception of three small counties, being represented. Even unorganized counties not embraced in the call availed themselves of the opportunity and sent delegates who were admitted to seats.

The convention was composed of the best and ablest men in southern Dakota. No distinction in

politics, religion or class was observed in the call or composition of the convention, but the convention was composed of ministers, lawyers, doctors, mechanics, merchants, farmers and a full representation of all classes, religions and politics. Prominent politicians as well as the rank and file of both political parties, composed the convention, and each vied with the other in promoting the objects for which it was called. Entire harmony and unanimity prevailed, the ordinance passed and the proceedings of this convention are hereto appended, marked Ex. "A" and made a part hereof.

It will be seen from the published proceedings that the object of the convention was to discuss the propriety of calling a constitutional convention, to draft and submit to the people a constitution, which if ratified should be submitted to congress, and an admission into the Union asked under such constitution.

The foreign newspaper articles prompted by enemies of Dakota, to the effect that the convention was a revolutionary body seeking to set up a government in defiance of the national government, is too absurd to need a passing reference. There was not in word or act by the convention, a hostile expression toward the general government, but on the other hand the speeches were of the most patriotic character. The old flag was flaunted aloft and the wings of the great American bird were extended wide in the eloquent perorations of those embryo western statesmen. They were so far from wanting to secede or form an independent government, that they were in haste to become a part of the old government, to become a new star upon the old flag, and to hasten the time of such an event, they favored the immediate

formation of a state constitution to the end that congress could take immediate action thereon without the long delay of the usual enabling act.

No more loyal people exist than the new settlers of Dakota. A large proportion of them have carried the musket to the front in the darkest days of the rebellion. They have "beat their swords into plowshares;" they have availed themselves of the government's bounty and have dotted the prairies of Dakota with soldier's homes; they are cultivating the arts of peace, but the fires of liberty and love of country burn as brightly in their breasts here in these humble western homes as they did when, at the nation's call, they bid adieu to comfort, home and family and offered their lives in their country's defense.

Whole armies of these men are now petitioning you through us for that privilege of self-government they periled their lives to perpetuate. No, there was not a breath of disloyalty in the Huron convention. Not a hasty or impatient word was uttered by the most enthusiastic speaker, not an unkind word against congress or any member thereof for any seeming neglect or delay, but every utterance and every act of the convention was aimed at the end of presenting to congress such a case that the great representatives of the nation would be justified in admitting the new state and as pleased in receiving her into the confederation of states, as she would be in becoming a part of the great nation she has so looked to for aid and support.

It is unnecessary to refer to the fact that the plan proposed by the people in calling a constitutional convention, while adopted to gain time and secure an early admission, has no claims to originality with the people of Dakota. It is as old as the govern-

ment itself, it is the plan first known and adopted by our forefathers in admitting new states.

We take pleasure in here submitting an array of precedents and the opinions of learned judges carefully collated by the Hon. Hugh J. Campbell, U. S. attorney for Dakota, hereto appended and marked Ex. "B," from which it will be observed that state constitutions have been formed and state governments set up outside of the general government, which have been obeyed and recognized; a precedent that Dakota in nowise attempts or intends to follow, but that Dakota had the right and that under the circumstances it was her duty to take every step to hasten her admission into the Union, no one unprejudiced and conversant with the facts will for a moment deny.

The convention at Huron was necessary to consider what was the sentiment of the people, to ascertain if there was any material opposition to admission as a state, and to provide some machinery for calling a constitutional convention.

The representatives of the people in the last legislature 1883, for the territory of Dakota, observing the rapid increase in population and the immediate necessity of an early admission, wisely passed an act in many respects similar to the ordinance passed by the Huron convention providing for a constitutional convention, a copy of which is hereto appended and marked Ex. "C," but which failed to become a law by reason of its not receiving the approval of the governor of the territory. There was then no course open to the people, but to act themselves through their representatives in convention assembled, which they proceeded to do in passing the ordinance providing for a constitutional convention to be held at Sioux Falls on the 4th day of September, 1883.

It then appearing that the people desire a division and admission as a state of that portion of Dakota south of the forty-sixth parallel, and that the steps taken are proper, legitimate and within established precedent, it remains only to consider the ability of the people to govern themselves and the consequent policy and propriety of such division and admission.

We need hardly argue that southern Dakota (by the term "southern Dakota" we mean all that portion south of the forty-sixth parallel) has a sufficient population to admit her as a state. It is conceded by the enemies of admission that southern Dakota has at least two hundred and fifty thousand, while the friends of admission claim at least three hundred thousand, but taking the admission of our enemies as the standard, and she has a greater population than any territory had when admitted as a state. She has almost twice as many as Alabama, Iowa or Wisconsin had when admitted; more than twice as many as Kansas or Nebraska; about three times as many as Michigan or California; about four times as many as Mississippi, Missouri, Florida or Colorado; five times as many as Ohio, Illinois, Arkansas or Oregon; and six times as many as Indiana or Nevada, and more than any one of seven of the original thirteen states.

It will hardly be urged with these precedents that she has not the inhabitants requisite to admit her as a state. Nor can it be urged by way of precedent that as the ratio of representation in congress has increased, congress has increased the ratio for admission of states. Nevada was admitted in 1864 with a population that in 1870 was a little over forty-two thousand, and Colorado was admitted in 1876 with a population of but sixty-five thousand. By any precedent established, or basis of calculation, south-

ern Dakota, in matter of population, would seem to be entitled to admission.

Will it be urged that the territory should not be divided, but should be admitted as a whole?

Without repeating what has already been urged upon your attention as to the desire of this people for a division upon the forty-sixth parallel, and their innate feeling of right, that in a republic the new state should be heard in shaping its boundaries, as well as its form of government, we desire to call your attention to the fact that the two prospective new states created by the division, would be of about equal size, each being about two hundred and twenty-five miles in width by four hundred miles in length, corresponding in form and size with Kansas and Nebraska, and completing the tier of states of which they form the base. The proposed new state of Dakota would contain about eighty thousand square miles, being larger than Nebraska which contains seventy-six thousand, and nearly equal to Kansas which contains eighty-one thousand three hundred eighteen square miles, and Minnesota which contains eighty-three thousand five hundred thirty-one, leaving but five states in the Union containing a larger number of square miles, to-wit: Texas, California, Colorado, Nevada and Oregon, but capable of sustaining a population many times larger, when we consider the broken and mountainous character of the four last named states. Nearly every foot of the proposed new state, except some portions of the Black Hills in the extreme southwest corner are susceptible of cultivation and occupation, and is equal in fertility with the great states of Iowa and Illinois. An idea of the size of the proposed state will be obtained by comparing it with the older and more populous states of

the Union. New York, well named the "Empire State," contains forty-seven thousand square miles; Pennsylvania, forty-six thousand; the great state of Illinois, fifty-five thousand four hundred ten; Iowa, fifty-five thousand and forty-five; Wisconsin, fifty-nine thousand nine hundred twenty-four; Ohio, thirty-nine thousand nine hundred sixty-four; Indiana, thirty-three thousand, eight hundred nine. These are among the GREAT, the WEALTHY, and the POPULOUS states of the Union. Yet the proposed new state of Dakota is more than twice as large as the great state of Indiana or Ohio, and more than a third larger than the great state of Pennsylvania or New York, or any of the other great states of the West, while it would be equal in size to all New England, Delaware and two states of the size of New Jersey, or nine states of the Union.

It would be two thirds as large as Great Britain and Ireland with her thirty-two million population, and considerably more than two thirds as large as Italy with her twenty-seven million, and with the same population to the square mile which Italy, Germany and the old countries of Europe now have, she would contain a population of more than twenty millions.

No state should be so large in territory that her general laws shall be locally inapplicable, but the state should be of such size, and her people so homogeneous in character, customs and occupations that one set of laws may apply to all. The state should not be so small in size as to make the duties to the state and taxation for its support burdensome to the citizen. Nor should it be so large in size that all its localities are not fairly represented in the administration of public affairs.

In the light of history, in the admission of new states, in view of the natural richness and capacity of the proposed new state, in comparison with the great states already named, may we not urge that to admit Dakota as a whole would be a departure from the precedents set in the admission of all the new states of the West, and an experiment dangerous to the rights of local self government.

BARTLETT TRIPP,

Chairman.

The foregoing is the only paper that I have been able to find in the nature of an appeal to congress on the proceedings to form a state constitution which began with the call for the Huron convention and ended with the adjournment of the constitutional convention after it had framed the constitution, but my recollection is that an executive committee was appointed by the latter convention to present the constitution to congress and that Hon. Bartlett Tripp, Hon. Hugh J. Campbell, Hon. Gideon C. Moody, Hon. Arthur C. Mellette and other prominent members of that convention were appointed as a committee to present the constitution to congress and press the question of the admission of the state upon that body. and I see by reference to Doane Robinson's History of South Dakota it is stated that was done. However, notwithstanding these efforts towards the formation of a state and the endorsement of the people at the November election of 1883 of the constitution by a vote of the electors in that part of the territory proposed to be included in the new state to the number of twelve thousand three hundred and thirty-six for to six thousand eight hundred and fourteen against congress set its face against the entire proceeding, and on January 19th, 1885, a well considered and able

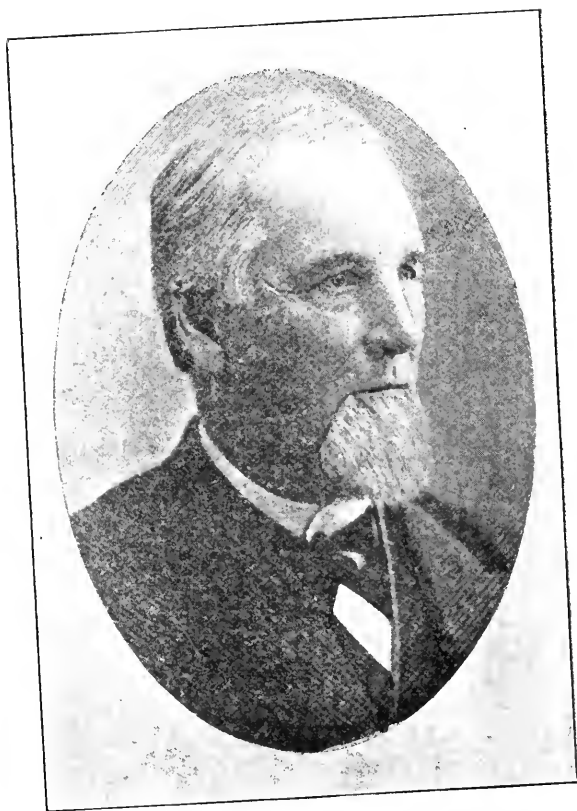
memorial to the territorial legislature for an act providing for a constitutional convention to frame a constitution and state government for the people of Dakota south of the forty-sixth parallel of latitude was presented by the following citizens of Yankton county: Rev. Joseph Ward, Hon. Bartlett Tripp, Hon. L. B. French, Henry Grebe, Hon. L. M. Purdy, Cox, Odiorne and Coe, H. B. Wynn, O. H. Carney, J. M. Fogerty, Hon. E. G. Smith, S. H. Gruber, D. E. Bruce, Hon. Geo. W. Kingsbury, Hon. E. G. Edger-ton, John T. Shaw, Gov. Newton Edmunds, Dr. D. F. Etter, Hon. Hugh J. Campbell, J. W. C. Morrison, Hon. R. J. Gamble, J. P. Crennan, F. B. Brecht, Wm. Blatt, Harry Katz, J. C. McVay, H. G. Clark, Hon. Z. Richey, D. N. Grose, E. C. Dudley, W. S. Bowen and R. W. Burns, and an act to that effect was passed.

An election for delegates to the convention was held on June 30, 1885, and the convention, consisting of eighty-eight delegates, assembled in Germania Hall at Sioux Falls, where the convention of 1883 was held, and organized by electing Hon. Alonzo J. Edger-ton of Yankton as president and Hon. John Cain of Huron as secretary, and the following committees were appointed:

Judiciary—Moody of Lawrence, Kellam of Brule, Campbell of Yankton, Brookings of Minnehaha, Dollard of Bon Homme, Lichtenwaller of Hughes, McCallum of Beadle, Taylor of Lincoln, Corson of Lawrence, Haines of Turner, Owen of Kingsbury, Wright of Brookings, Fowler of Pennington.

Executive and Administrative—Kellam of Brule, Frank of Lawrence, Ryan of Aurora, Walton of Brookings, Mason of Brown, Grant of Butte, Gault of McPherson, Smith of Hand, Wilcox of Bon Homme.

Legislative—Kanouse of Sanborn, Hanson of



HON. A. J. EDGERTON.

Yankton, Jones of Miner, Lowthian of Grant, Snow of Bon Homme, Maynard of Brule, Grant of Butte.

Education and School Lands—More of Beadle, Ward of Yankton, Updike of Codington, Owen of Kingsbury, Phillips of Lawrence, Macleod of Brown, Miller of Hughes, Myers of Spink, Haines of Turner.

Congressional and Legislative Apportionment—Dollard of Bon Homme, Fisher of Spink, Weeden of Lawrence, Baker of Beadle, Wright of Brookings, Mason of Brown, Gregory of Brule, Booth of Custer, Lowe of Deuel, Lichtenwaller of Hughes, Tousley of Turner, Goddard of Minnehaha, Schultz of Clay, Proudfoot of Clark, Smith of Hand.

Seal of State, Coat of Arms and Design of Same—Cleland of Clay, Ward of Yankton, McCallum of Beadle, Blair of Union, Miller of Hughes, Westfall of Codington, Gray of Hanson.

Printing—Neill of Grant, Gunderson of Jerauld, Tousley of Turner, Cranmer of Edmunds, Jessup of Faulk.

Bill of Rights—Owen of Kingsbury, More of Beadle, Craig of Spink, Gifford of Minnehaha, Goddard of McCook.

Elections and Right of Suffrage—Westfall of Codington, Dow of Brown, McCallum of Beadle, Ward of Hughes, Parker of Lawrence, Campbell of Yankton, Lansing of Hand, Wilcox of Bon Homme, Alexander of Campbell.

Name, Boundaries and Seat of Government—Frank of Lawrence, Patten of Miner, Fisher of Spink, Blair of Union, Reed of Sully, Lowthian of Grant, Murphy of Hanson.

Federal Relations—Fowler of Pennington, Ashton of Roberts, Andrus of Hamlin, Baker of Beadle, Bellon of Hutchinson, Proudfoot of Clark.

Municipal Corporations—Wright of Brookings. Buechler of Hutchinson, Murphy of Hanson, Tychsen of Turner, Beebe of Minnehaha. Updyke of Codington.

Corporations, other than Banking or Municipal—Ward of Hughes, Brookings of Minnehaha, Britton of Spink, Hanson of Yankton, Jessup of Faulk, Lansing of Hand, Laybourn of Brown, Conniff of McCook, Elfes of Charles Mix, Ryan of Aurora, Gehon of Lincoln, Gray of Hanson, Gault of McPherson.

County and Township Organization—Allen of Turner, Coffin of Beadle, Berdahl of Minnehaha, Brown of Buffalo, Buechler of Hutchinson, Churchill of Spink, Crose of Hyde.

State, County and Municipal Indebtedness—Corson of Lawrence, Tychsen of Turner, Andrus of Hamlin, Baker of Beadle, Beebe of Minnehaha, Bellon of Hutchinson, Churchill of Spink, Cranmer of Edmunds, Dow of Brown.

Revenue and Finance—Reed of Sully, Allen of Turner, Churchill of Spink, Crose of Hyde, Goddard of Minnehaha, Potter of Walworth, White of Brookings.

Public Accounts and Expenditures—Williams of Hand, Huntley of Jerauld, Kendall of Union, Laybourn of Brown, Maynard of Brule, Oaks of Minnehaha, Ryan of Aurora.

State Institutions and Public Buildings, Including Penitentiaries and other Reformatory Institutions—Fisher of Spink, Macleod of Brown, Walton of Brookings, Ward of Yankton, Oaks of Minnehaha, Cleland of Clay, Fellows of Aurora, Wright of Lake, Kanouse of Sanborn.

Mines, Mining and Water Rights—Booth of Custer, Hanson of Yankton, Gifford of Minnehaha.

Frank of Lawrence, Grant of Butte, Fowler of Pennington, Phillips of Lawrence.

Roads, Bridges and other Internal Improvements—Blair of Union, Craig of Spink, Weeden of Lawrence, Pendleton of Sully, Patten of Miner, Weatherwax of Beadle, Crose of Hyde.

Exemptions, Real and Personal—Bellon of Hutchinson, Allen of Turner, Craig of Spink, Dahl of Union, Elfes of Charles Mix, Gehon of Lincoln, Gray of Hanson, Gunderson of Jerauld, Wright of Lake.

Rights of Married Women—Coffin of Beadle, Gault of McPherson, Fellows of Aurora, Westfall of Codington, Haines of Turner, Goddard of McCook, Cranmer of Edmunds.

Military Affairs—Taylor of Lincoln, Weatherwax of Beadle, Tousley of Turner, Huntley of Jerauld, Jones of Miner, Sheets of Kingsbury, Buechler of Hutchinson.

Banking and Currency—Beebe of Minnehaha, Jessup of Faulk, Andrus of Hamlin, Goddard of McCook, Stone of Potter, Cranmer of Edmunds, Alexander of Campbell.

Amendments and Revisions of the Constitution—Dow of Brown, Corson of Lawrence, Ashton of Roberts, Britton of Spink, Reed of Sully, Stone of Potter, Gifford of Minnehaha.

Schedule—Campbell of Yankton, Kellam of Brule, Dollard of Bon Homme, Ward of Hughes, Booth of Custer, Kanouse of Sanborn, Neill of Grant, Lansing of Hand, Patten of Miner, Coffin of Beadle, Huntley of Jerauld, Conniff of McCook, McGrath of Lake.

Miscellaneous Subjects—Alexander of Campbell, White of Brookings, Mason of Brown, Brown of Bufalo, Elfes of Charles Mix, Schultz of Clay, Gunderson of Jerauld.

Compensation of Public Officers—Brookings of Minnehaha, Snow of Bon Homme, Laybourn of Brown, Phillips of Lawrence, Taylor of Lincoln, Cleland of Clay, Lowthian of Grant.

Arrangement and Phraseology of the Constitution—Ward of Yankton, Moody of Lawrence, More of Beadle, Lichtenwaller of Hughes, Myers of Spink, Neill of Grant, Walton of Brookings, Williams of Hand, Wright of Lake.

Manufactures and Agriculture—Myers of Spink, Gregory of Brule, Brown of Buffalo, Kendall of Union, Conniff of McCook, Berdahl of Minnehaha, Stone of Potter, Pendleton of Sully, Lowe of Deuel.

Engrossment and Enrollment—Potter of Walworth, Pendleton of Sully, Sheets of Kingsbury, Dahl of Union, McGrath of Lake.

Expenses of the Convention—Fellows of Aurora, Murphy of Hanson, Snow of Bon Homme, Weatherwax of Beadle, Gregory of Brule.

Preamble—Updyke of Codington, Parker of Lawrence, Berdahl of Minnehaha, Williams of Hand, Britton of Spink.

This convention contained several members who were prominent in the membership of the convention of 1883; was in session eighteen days and the constitution framed by it was largely similar to the one framed by that convention, except in arrangement and phraseology, and particularity in elaborating the general propositions of the earlier instrument. Aside from this the constitution of 1885 differed from the one of 1883 in providing that the legislature might pass a law giving three fourths of a jury in a civil case in any court the right to determine its verdict, granting the legislature power to abolish grand juries, prohibiting private property from being taken

or damaged without just compensation to be ascertained by a jury and paid before possession taken, providing that the fee of land taken for railroad tracks or other highways shall remain in the owner of the land subject to the use for which it was taken, giving soldiers in time of war the right to vote at their posts of duty, making all general elections biennial, increasing the number of members of the legislature so that the house should not have more than one hundred and thirty-five nor less than seventy-five as against not more than one hundred nor less than fifty-five in the constitution of 1883 and in the senate not more than forty-five nor less than twenty-five as against not more than thirty-three nor less than twenty-five in the constitution of 1883.

The constitution of 1885 differed from the earlier one also in allowing the governor to call on the judges of the supreme court for their opinion under specified conditions; in limiting the state's estimated ordinary expenses to a two mill tax and any deficiency therein to a tax of the same amount, and in limiting to one hundred thousand dollars the power of the state to contract an indebtedness instead of five hundred thousand dollars; provisions that have not justified the hopes of the convention that they would be in the interest of rigid economy, judging by the operation of the two mill levy provision for deficiencies and the anticipation treasury warrant system by which warrants are issued, or provided to be issued, after the current tax is levied and before it is collected. The constitution of 1883 fixed the salaries of governor, treasurer, auditor, superintendent of public instruction, secretary of state, attorney general and lieutenant governor each at a modest sum, until otherwise provided by law, whereas these salaries are

fixed absolutely in the constitution of 1885, with the right of the legislature after the year one thousand eight hundred and ninety to increase the annual salary of the governor and each of the judges of the supreme court to three thousand dollars and the salary of the circuit judges to two thousand five hundred dollars, while the salary of the attorney general, who should be capable to fill the executive or either of the judicial offices, remains fixed at the sum of one thousand dollars until the constitution shall be amended, which the people refused to consent to at a general election not very long ago.

In another important respect the constitution of 1885 through its schedule differed from that of 1883, it provided for the election at the same time the constitution should be voted on of state and judicial officers, representatives in congress, state senators and representatives in the legislature, the formation of the state government, the location of the temporary seat of government and the election of United States senators. It also provided that the governor, representatives in congress and United States senators should, together with two other persons to be selected by the state executive committee, constitute a committee whose duty it should be, in case of the ratification of the constitution by the people, to present it to the president and congress of the United States and request admission of the state thereunder into the Union.

The republican state convention was held at Huron, on October 21st, 1885, and placed in nomination a state ticket as follows: For congress, Oscar S. Gifford and Theodore Kanouse; governor, Arthur C. Mellette; lieutenant governor, A. E. Frank; secretary of state, Hugh S. Murphy; auditor, Frank Alex-

ander; treasurer, D. W. Diggs; attorney general, Robert Dollard; superintendent of schools, A. Sheridan Jones; commissioner of school and public lands, W. H. H. Beadle; judges of the supreme court, A. G. Kellam, Dighton Corson and John E. Bennett. No democratic ticket was nominated. The election occurred on November 3d following, at which the republican candidates for state and legislative offices were elected and the temporary seat of government located at Huron. Thirty-one thousand six hundred and fifty-two votes were cast, the constitution receiving twenty-five thousand one hundred and thirty-two votes, opposed six thousand five hundred and twenty-two.

The legislature convened at Huron December 15 following the election and organized with Thomas V. Eddy as speaker of the house. The legislature completed its organization and elected Hon. Alonzo J. Edgerton and Hon. Gideon C. Moody United States senators.

In the early part of the following year, Hon. Gideon C. Moody, Hon. Alonzo J. Edgerton, Hon. Theodore D. Kanouse and Hon. Arthur C. Mellette joined Hon. Oscar S. Gifford, then delegate in congress, at Washington and urged the admission of the state before congressional committees, and the senate, which was republican, passed a bill for its admission while the house, which was democratic, considered bills for the recognition of the constitution, for the admission of the territory as a whole, for the division of the territory without admission and for division on the Missouri river, and thus the movement for the immediate admission of the proposed state ended, so far as the power of that congress could control its destiny, but the movement was kept alive in Dakota

and the delegates of the territory to the republican national convention in 1888 were charged to renew the battle there and succeeded in securing an endorsement in the platform for the admission of both South and North Dakota as states of the Union.

The territorial delegates to the national convention were Hon. Gideon C. Moody, Hon. J. M. Bailey, Hon. T. O. Bogert, Hon. B. H. Sullivan, George W. Hopp and Colonel Plummer. The election of the nominee, General Benjamin Harrison, who had been the persistent friend of the southern Dakota movement in the United States senate, settled the matter by stimulating congress to such an extent that it passed a bill for the admission of South and North Dakota, Montana and Washington which was signed by President Cleveland on the 22nd of February 1889, and provided that conventions to frame constitutions for the four states should be convened on the 4th day of July next thereafter.

The constitution made for the proposed state of Dakota in 1885, was adopted by a large majority, with an amendment changing the name to South Dakota, fixing the northern boundary on the seventh standard parallel; and changing the legislative and judicial apportionment, so that the labors of the Canton convention of 1882, of the Huron convention of 1883, and of the constitutional conventions at Sioux Falls in 1883 and 1885, finally resulted not only in securing the admission of South Dakota into the Union, but in contributing an indispensable force to open the way for the admission of North Dakota, Montana and Washington as well into the sisterhood of states.

Of the state and judicial officers elected in 1885. Hon. Arthur C. Mellette was re-elected governor, Robert Dollard attorney general, Hon. A. G. Kel-

lam, Hon. Dighton Corson and Hon. John E. Bennett supreme court judges, and Hon. Gideon C. Moody was re-elected United States senator and Hon. Oscar S. Gifford as representative to congress, Hon. Alonzo J. Edgerton becoming United States district judge for the new state.

CHAPTER XXIX.

MISCELLANEOUS OBSERVATIONS.

During my experience in Dakota, particularly in my Douglas county experience, where thousands of miles were traveled across a wild and thinly populated country, I often journeyed not only like Macbeth's witches "in thunder, lightning, wind and rain" but also in violent sleet and snow storms and in the most intense heat of summer as well as in the severest winter blasts, and I had often been told by the old timers of the blizzard which Custer ran into in the spring of 1874 at Yankton, when enroute to the North-West where he engaged in the campaign which resulted in the massacre of himself and his command. I had heard stories told about the practice of connecting dwelling houses and stables by ropes for one to take hold of so as not to lose the way when going between them and wander off, perhaps to death, in the blinding storm, but I could never get over the idea that these stories were drawn to a considerable extent from the imaginations of the story tellers until on January 12, 1888, we were visited for the only time in twenty-seven years, since I came to Dakota, by a genuine blizzard which eliminated from the minds of those who doubted the wonderful stories of the old settlers, the notion that they were indebted to fancy for any part of them.

When the storm came on I was sitting in my office, about noon; it was quite warm in the beginning and the damp snow flakes fell in the ordinary manner, but soon they began to grow smaller until they filled the air so full that I could not see into the street on which my office was located. About 4 o'clock in the afternoon I started down the street and losing my way in going a block or two I dropped into a hotel to wait for an improvement in conditions and remained there for an hour without seeing any change; then I started for home, about a half mile away, and found the air so full of snow that I could not "see my hand before me." The wind was now blowing fiercely and it was growing colder rapidly. I found my way by following the sidewalk, where it was blown clear of the snow, and by fences along the walk until I came to a block where the snow had banked up to the fence where I floundered the length of the block by feeling my way in the snow along the top of the fence. I was then within one hundred feet of my dwelling but could not see through the thickly falling snow the distance of a yard, and as there was nothing to guide me in safety and I was sure to lose my way and go off in the open country, perhaps to death, if I started before there was a rift in the thick air I determined to return to my office rather than risk my life by attempting to cross the hundred feet that divided me from my home, but while I was meditating retreat the rift came, I could see my dwelling plainly and in a few seconds I was safe within its walls, but for an hour after I panted with exhaustion.

At the time the storm began and throughout the earlier part of the day it was so warm that many people were abroad without preparation for it or for the intense cold that came in the evening and the night

following, and large numbers were frozen to death. In this—Bon Homme—county, a small county of hardly more than fourteen congressional townships, nineteen persons perished; as the population was not more than seven or eight thousand, this loss was larger in percentage than that reported of the recent great disaster of the San Francisco earthquake.

In my service as attorney general of the state I was called on in 1891 to assist the states attorney of a Black Hills county, and the United States attorney for this state, in prosecuting several white men for killing an Indian chief of the Pine Ridge Indians shortly after the battle of Wounded Knee, in the western part of our state in 1890, between the Indians and the United States troops. The trial was at Sturgis, the county seat of Meade county, in the lower part of which the killing was done. Judge Thomas, an able and chivalrous Kentuckian and warm hearted gentleman, who had worn the gray in our civil war, was on the bench, and we were sure of a fearless administration of justice on his part, notwithstanding the strong anti-Indian feeling remaining in that country since the days of the Custer massacre. Before this trial came on, an Indian of the same band as that to which the dead chief belonged had been tried in the United States court for killing Lieutenant Casey on the Pine Ridge reservation, and had been acquitted on the ground that there was a state of war between the general government and the Indians at that time, and the accused Indian was within his rights in killing Casey as a spy, and this did not increase our chances of convicting white men for killing an Indian. In fact we, the United States attorney and myself were met on our arrival in Sturgis by a gentleman who was a member of the grand jury which in-

dicted the men we were about to prosecute, and told that we might as well go home, that we could not convict them, that if the Indian who killed Casey had only been convicted then we could convict, and he sat with the defendants throughout the trial as evidence of his sympathy with them and hostility to the prosecution. The jury selected was a body of strong, fair faced men, old timers who knew by experience what life on the frontier with hostile Indians ready to break in upon them with the tomahawk and scalping knife meant, and the outlook was not flattering. The members of the jury each pledged himself to try the case the same as though it was a trial of white men for killing a white man, to give the same effect to the testimony of an Indian that he would give to that of a white person under similar circumstances, and to try the case fairly and impartially according to the law and the evidence. We spent about two weeks in the trial of the case and thought our evidence warranted conviction but the jury disagreed; it stood eleven for acquittal on the first ballot, and it was reported that the eleven wanted to throw the twelfth man out of the window for disagreeing with them. The grand juror referred to was an interesting character; he too was an old timer and a sympathetic friend of the unfortunate. A man in his neighborhood had been sent to the penitentiary for killing another and an effort was being made to secure his release, and I was asked to do what I could officially in the matter, the ex-grand juror saying in his personal appeal: "He is a good Christian man and never did anything wrong." He was a good Christian man and never did anything wrong but kill a fellow man.

CHAPTER XXX.

POLITICAL NOTES.

In the order of political development, election to the last territorial council—the upper house of the territorial legislature—came to me in the fall of 1888, and my experience at the following session was most agreeable; the certainty that the north and south halves of the territory were soon to part company seemed to have a harmonizing effect, and the good fellowship that prevailed among the members was in strong contrast with the hostility between the north and south in former sessions, beginning with the movement to load the capital of the territory on the band wagon of the capital commission. In this last territorial legislature were John Miller and Roger Allin, both since governors of North Dakota, S. L. Glaspell a circuit judge of that state, Frank Aikin later a territorial supreme court judge and circuit judge of South Dakota, Frank J. Washabaugh and Albert Campbell who also became circuit judges of the latter state, and Coe I. Crawford who became attorney general of the same state and who will be its next governor.

After the state of South Dakota was admitted into the Union I served two terms as its attorney general and had much agreeable and important experience with leading lawyers of the state in represent-

ing its interests before the supreme court as well as with the members of the state government, which is all held in kind and pleasing remembrance, with the single exception of my connection with the funding warrant act passed in 1891. At that time the state had exhausted its power to create a debt, its current revenue would not pay running expenses, and was short to such an extent that its warrants were being hawked about on the streets of the capital at a discount. I remembered that in former legal explorations I learned that Chicago once finding itself in the same predicament passed an ordinance providing for the issue of warrants on its treasurer, after a tax should be levied, and in anticipation thereof, which put it on a cash basis at once, so, as the law officer of the state I drew the bill for the act referred to, placed the action of the state treasurer under the supervision of the governor and state auditor to the end that he should be permitted to issue no more warrants than were necessary to take up such other warrants as had been legally issued, and supported the bill with a legal opinion to the legislature citing authorities in its favor. The bill was passed and went into effect at once with an emergency clause, the state treasurer was thereafter able to pay the state's current obligations in cash, and that has been true ever since the act became a law. In explaining the measure to the state treasurer I said to him, this will be a dangerous law in the hands of dishonest management, and he looked at me with a kind of a stare that came back to me when it developed that he was short in his accounts three hundred and forty-four thousand and seventy dollars, and about two hundred and thirty thousand dollars of it was taken from the general fund and the deficiency fund, both

of which the funding law was intended to relieve when the taxes due them were unpaid. Whether the defalcation would have occurred had the constitution provided a less narrow limit on the power of taxation or given a greater power to contract indebtedness is in the domain of speculation, but, as the treasurer embezzled at least one hundred and fourteen thousand dollars that had no relation to the funding law, it is probable that it would.

In the fall preceding the close of my second term as attorney general I became a candidate before the republican state convention for governor; there were seven contestants and I came out third in the race. The old soldier and the farmer sentiment combined to rule the convention, and aided two other somewhat better farmers than I to run ahead of me; one of them had the misfortune to succeed in the election and to be at the head of the state when its treasurer plundered it as I have stated. Here my experience in farming in Douglas county came into play. I had proven clearly that I was not the kind of a farmer the convention was looking for to make a governor out of, but the reason some of the boys advanced why I should not be nominated was that my county had gone democratic at the last preceding election, so I went home and asked its republicans to elect me to the state senate on that issue and they did so. Later I served in the house when the county was solid for the republican ticket, as it had been since I was elected to the senate, while the state joined the Bryan presidential procession, and still later I became a candidate for congress with very fair prospects of success, and the assurance of a king bee of the party, who had been a warm personal friend for many years and was an effective gleaner in the field of

politics, that he would do me the best service he was capable of—which a mutual friend afterwards suggested was, from his standpoint, to manage so that I would not be burdened with the office—while he was laboring quietly, but diligently, with the opposition and became its successful band wagon candidate for temporary chairman of the convention. The contest was between the “machine” and “anti machine” so called, and the “machine” proved to be the best machine of the two.

CHAPTER XXXI.

JOURNEYING TO THE PACIFIC.

Drawing near to that time of life when the glowing stories of the delightful climate, beautiful flowers and song birds of a southern California winter present an irresistible appeal to enjoy them for a season, my better half and I left Scotland for Los Angeles, California, early in January, 1905, going by way of St. Paul and over the Northern Pacific and Southern Pacific railroads. When we left St. Paul the weather was intensely cold—twenty-four degrees below zero—and there was not much improvement until we passed beyond the Rocky Mountains. We had seen something of the Alleghanies, and the Green and White mountains, but the peaks of the Rockies and Coast Range mountains, robed in eternal snow, were to be a revelation to us such as our imagination had never been able to reach, notwithstanding the descriptions we had often read of them. We had traveled quite extensively from the British American boundary on the north to the Gulf of Mexico on the south, between the upper Missouri, the Black Hills, the western boundary of Nebraska and Kansas and the Atlantic ocean, but the bad lands in western North Dakota. Crazy Mountain away to the north about fifty miles from the railroad near the junction of its line that runs into Yellowstone Park, which at first presents

the appearance of a vast cloud, Mount Ranier, near Tacoma, Mount Hood near Portland, and Mount Shasta near the northern line of California, were marvellous, compared with anything we had witnessed in previous experience, and the climatic change was equally wonderful, beginning with the warmth, running streams and open lakes among the hills of Idaho, and ending with the blooming roses, geraniums, calla lillies and other flowers, and the songs of the mocking birds and other birds in southern California. Our return trip over the Santa Fe through Arizona, New Mexico, Colorado and Kansas was interesting, and nature's upheavals in the former territory seem to have been similar to those of the bad lands of North and South Dakota.

We repeated our trip the following winter going out by way of the Santa Fe and returning by way of the Southern and Northern Pacific and on our outward journey stopped over at Williams and visited the Grand Canon of Colorado, and here is a description of it from the pen of one who has done poetic justice to its grand and imposing features:

"There is probably nothing in the world to exceed in beauty, wonder and sublimity the trip to the Grand Canon of the Colorado. This river rises in the Rocky Mountains, and flows through Colorado and Arizona touching Utah, Nevada and California, cutting its way through strata millions of years old, until it finds the sea level in the Gulf of California.

"The first view of this mighty chasm is truly awful. Standing upon its brink, the eye wanders first over a vast pile of mountain peaks cut into curious shapes and worn into the semblance of grotesque forms and figures. Then, as the eye becomes accustomed to the great depth, he beholds the river itself.

a seemingly tiny stream, yellow as gold, and winding its tortuous way a mile and a quarter beneath his feet.

“To adequately describe the Grand Canon is an utter impossibility. One can but attempt to describe its impressions upon him; but the mysterious glory, the strange sensations of insignificance which one feels can only be felt—not told. It is easy to say that the Canon is a mile and a quarter deep and from wall to wall across the top the distance is thirteen miles. That all means but little. Think rather that Mt. Washington and the whole Presidential Range might be tipped into it and leave room at the top for more; the grand cataract of Niagara could be seen only with a powerful glass if it were at the bottom, while the giant redwoods of California would appear like toy trees if viewed from the brink. The river itself is larger than the Hudson, yet it looks like a tiny brook, while on either side rise the sculptured walls—sculptured by that most wonderful of all artists—Nature, and the tool with which she worked was the most wonderful chisel the world has ever known—water.

“But now let us see why this Colorado River is so strange, why it so far exceeds all other rivers in the world of wonders. In the early ages of our continent when our eastern hills were young mountains, and our western mountains were in their childhood, a great sea stretched from the Rockies to the Sierra Nevada Mountains and the slopes were sandy beaches not unlike those of New Jersey and New England to-day. There we find today the mark of the ripples of that ancient sea far up the mountain sides. Now slowly all that lake was raised, together with the mountains about it. The water drained off to the

sea through the present water courses, leaving a plateau eight thousand feet above the sea level, over which today the sand of that ancient sea is blown into drifts and in parts of which no human being is ever seen. But as the plateau was raised the rivers must find an outlet and they cut through the solid rock keeping pace to the rising land. Then great lava streams flowed out over the surface and the whole was folded and bent by the mighty forces of the internal heat of the earth. This is a large story to comprehend at a glance and as the eye wanders over the surface of the walls of the Canon, and the wonderful colors stand out before him, if he can read the story there outspread he may study the history of all the ages upon the open page, from the dark trap rock to the lighter sandstones, limestones, marbles and granites. Scarcely a color but is found there; every shade of grey, lavender, red, brown and yellow, even to pure white. These colors are often in straight parallel lines sometimes so twisted and bent that one cannot trace their beginning and end. This wonder of color does, in part, compensate for the lack of foliage and forest. This is a land of rock, not of soil.

“But the river itself—that innocent-looking stream—what shall we find it like when we have climbed down those precipitous sides? Seated on its margin we find it a rushing, roaring torrent, sweeping on, in many places, more rapidly than the Rapids of Niagara and bringing with it the waste that it has torn from the mountains and which it will spread out on the shore of the Gulf.

“At dawn when the rising sun dispels the mists about the temples and shrines of the Canon, or when the sunset lines touch the eastern peaks and turrets with pink and gold, the scene is one of such marvel-

ous beauty that the soul reaches to look 'through Nature to Nature's God.' But it is when the white moonlight streams down into those stormy depths that the Canon takes on an atmosphere of mystery which can never be forgotten. The temples and castles of the sunlight seem tenanted with wierd hosts of unknowable beings silently keeping watch and ward over this, the greatest work of our great mother—Nature."

On our last trip to Los Angeles I had the pleasant experience of meeting and making the acquaintance of Hon. C. C. Cole, a native of the state of New York, "a forty niner" in California, a representative in congress during the war from that state, and later a United States senator. He was a schoolmate of Judge Edgerton, and the judge often spoke of him to me, and he is the brother of General Geo. W. Cole, to whom this book is dedicated.

On returning from southern California this time we stopped over at San Francisco several days and were fortunate in leaving there a short time before the arrival of the earthquake.

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